

Guide to Provincial Planning Applications

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September 1993

References to legislation and regulations in this manual are made for information purposes. For accurate reference, recourse should be made to the statutes and the regulations made under them.

Provincial policies related to land use planning are presented in this manual to provide information on their content and scope. Readers should not rely on the manual for the interpretation and application of the policies in specific circumstances. Reference should be made to the documents and guidelines or the appropriate Ministry.

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September 15, 1993

Minister's introduction to the Guide to Provincial Planning Applications

Welcome to what should quickly become an indispensable reference work for anyone steering a development proposal through the planning process. I believe the Guide to Provincial Planning Applications will help developers with good proposals get their shovels in the ground and start creating jobs far more quickly than they do now.

The idea for this guide came from developers and builders themselves. Last year my predecessor appointed a provincial facilitator — Dale Martin — to speed up the development approval process by removing obstacles, cutting through red tape, and making the mechanics of the process more efficient. One of the first things the provincial facilitator did was to call together builders and developers all over the province in a series of 10 Building on Success seminars, at which he asked them what they thought was wrong with the planning approval system and what could be done to improve it. Among their suggestions was a plea to let developers know in advance what the province expects from them. It was that idea that led to this guide.

This guide tells developers exactly what they need to know to prepare complete applications that can be processed quickly. It should also be a valuable reference for planners, consultants, and anyone involved in the planning system. It includes steps that should be taken before an application is submitted, how to prepare an application, and how to manage the application once it has been submitted.

The emphasis in this guide is on approvals normally granted by the province. Those approvals would include Official Plan amendments, subdivision plans, condominium plans and consents.

We live in a time of rapid change. As this guide is being published, the government is considering an important reform of the planning system as a result of the work of the Commission on Planning and Development Reform in Ontario. Among the commission's recommendations is a suggestion that development approval should become the responsibility of municipalities. If such changes are adopted, there will still be a continuing role for the province in approving certain

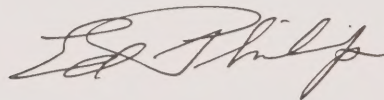
plans and planning applications. As the planning system changes, this guide will be updated to reflect those changes.

Quicker turn-around times on planning decisions have a number of benefits. Bringing good projects on stream faster will provide an obvious boost to the economy. Developers will save money, and so will the approval agencies, since they won't be spending time looking at incomplete applications that will simply have to be returned for more information.

While it was put together in the Office of the Provincial Facilitator, this guide is a tribute to the new cooperative spirit that has emerged among the government, developers, builders and municipalities. It was worked on cooperatively by all the planning approval ministries, and it includes major parts of two other important sources, with only minor changes. These sources are the Residential Development and Environmental Regulation prepared by the Greater Toronto Home Builders' Association, and the Streamlining Guidelines of the Ministry of Municipal Affairs. It could not have been completed without the assistance and advice of the Urban Development Institute and the Ontario Home Builders' Association. I must also acknowledge the contribution of the Regional Municipality of Halton, from whose own approval process we borrowed freely.

This cooperative spirit is important any time. It is even more important at a time when economic development and job creation are so vital. Putting Ontario back to work is the government's top priority. The efforts of the Provincial Facilitator — and this guide in particular — are a very important step toward that goal.

Sincerely

A handwritten signature in dark ink, appearing to read 'Ed Philip', with a stylized, cursive script.

Ed Philip

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Introduction

Purpose

The purpose of this guide is to provide developers and municipalities with the information they need to prepare land-use planning applications to meet **provincial** requirements. It is part of a continuing effort to improve the planning approval process, and is intended to speed up approvals and improve the quality of development applications. The guide should also be a useful reference to planners, consultants and others involved in the planning system.

The emphasis in this guide is on approvals for Official Plan amendments, subdivisions plans, condominium plans, consents and Minister's Zoning Order amendments. These are the types of applications that must be approved by the province or a municipality delegated or assigned the province's approval power. They constitute the highest volume of applications in the provincial planning approvals system. Other types of applications are explained, but in less detail.

This guide does not provide information on how to prepare an Official Plan. For this reason, matters such as the need for an economic plan, a social plan or a watershed plan for example, are not covered. These matters are generally beyond the scope of individual development applications.

You should note that the guide is not a legal document. It does not represent the "final word" on provincial policy matters. In many cases, the reader is directed to the source document. In particular, Appendix D, Summary of Provincial Issues and Required Studies, provides a short, practical description of each provincial concern. If a policy or guideline appears to apply to a specific development proposal, the applicant is directed to appropriate documents and individuals.

Appendix



Pg. D1

What is a "complete application"?

New application forms have been designed to go hand in hand with this guide. Together they combine to assist the applicant in providing the information needed up front for a timely review by the approval authority. The next few months will provide a test period for the forms and your comments on its usefulness are welcomed. You will find the application form included in the body of the guide for easy reference as we work through the steps required in applying for planning approval. The benefits of a more rigorous approach to applications are:

- Provincial requirements are understood at the beginning of the process.
- The issues that an application raises will have been addressed in the application.
- Necessary studies will have been prepared.
- Applications will be streamed for effective processing according to specific criteria.
- Applicants and staff will be able to direct their efforts to resolving outstanding concerns rather than struggling with incomplete files.

Using This Guide

The guide is designed as a working manual, to be read from beginning to end by anyone having little experience with the planning approval system in Ontario. For those with greater experience, the format allows it to be used as a reference to specific problems and issues.

The tab “The Guide” provides a step by step approach for preparing a complete provincial application beginning with a brief overview of the planning approvals process and types of planning approvals, the provincial, municipal and developer’s role in that process, planning in the North, delegation and submitting more than one type of application at the same time. Background information and suggestions are offered in an attempt to make the process more efficient.

How to fill in the new provincial application forms, what the applicant can expect from provincial approval authorities and other types of approvals that may be required are explained. Copies of the new applications forms can be found at tab “Forms”.

In addition, specific techniques are discussed with the aim of providing the applicant with the tools needed to manage his/her application throughout the process efficiently and effectively. These include: the value of pre-consultation, how and when to hire a consultant, effective project management and the importance of public consultation.

References made to Appendices have been highlighted in the margins of the main guide. Here, page numbers direct the reader to the exact location in the Appendix where the reference is made. Tabs have been included to separate each Appendix for quick and easy access.

The binder format allows replacement of individual pages as updates to guidelines, policies and forms are made. Updated pages and copies of the complete guide will be made available at [Publications Ontario](#) (see Appendix C).



The Appendices, although not part of the main guide, are key to enabling the applicant to understand the process and provide the information that may be required.

Appendix A

Appendix A sets out in chart form those municipalities having delegated or assigned approval authority. For those types of applications for which a municipality has delegated approval authority, application is made to the relevant municipality, not the province. (As more municipalities receive delegated approval, this chart will be updated. Be sure to check with the local municipality to confirm whether or not it has been delegated approval powers).

Appendix B

Appendix B is a detailed explanation of the key steps in the planning application process. It is useful for readers unfamiliar with certain procedures in the Planning Act - requirements for notice, appeal rights, public meetings and so forth.

Appendix C

Appendix C is provided to direct the applicant to additional information sources that will supplement this guide.

Appendix D

Appendix D is a comprehensive summary of provincial issues and required studies. It is designed to give the developer, the landowner and the general public an overview of policy issues that could substantially affect - or even prevent - a proposed development.

Appendix E

Appendix E is a list of recommended steps to effective public consultation as well as some examples of successful public consultation techniques.

Planning practice is changing. This Guide and its appendices describe the current practice in Ontario for processing planning applications submitted to the province. The Guide will be updated as necessary.

Guide to Provincial Planning Applications

1 Overview of the Planning Approval Process

Types of Planning Approvals

The planning approvals process involves a “hierarchy” of documents and mechanisms that provides applicants with increasing certainty about what will be permitted on a specific piece of property. The Official Plan provides a general picture of what will be permitted in a municipality, for example, where housing, places of work, parks are envisioned. The zoning by-law (or Minister’s zoning order), which is more specific, includes detailed provisions that must be met. Site-plan control is a review of a development application that conforms to the zoning. It ensures that certain site-specific matters, such as access, drainage and landscaping, have been dealt with appropriately.

The approval process for a development can be relatively simple if the proposal conforms to the existing Official Plan and municipal zoning provisions. The Official Plan and zoning show what the municipality believes are suitable types of development for particular parts of the community.

The process is considerably more complicated if the proposal is for development that does not conform to the Official Plan. That means neither the municipality nor the province has even agreed that this form of development (and, in some cases, any development) is suitable on the proposed site. The planning review required to permit the proposed development will therefore have to consider numerous factors. Because additional information is required to assess the impact of the development, several different types of applications are necessary. If the Official Plan is old and outdated in that it does not meet current provincial standards, the process may also take longer.

As well, two procedures exist for developers who wish to subdivide land to create lots that can then be sold. The first is a plan of subdivision application, which allows several lots to be created out of one or more pieces of land. The second is a consent application, a simpler procedure that allows one or two lots to be created.

These applications are important because at this stage concerns are addressed about site-specific issues such as locally significant wetlands, soil quality for septic tanks, and contaminated soils. A review of such matters can substantially affect what can actually be built.

The Review and Approvals Process: The Developer's Role

Before a developer can proceed to build on a parcel of land he or she makes an application to the municipality. In the simplest of circumstances this application is for a building permit, with or without an application for site plan approval. However, if the proposal requires that the land be separated into parcels of land that can be sold individually, the developer must apply either for a consent or subdivision approval. In other cases, the development does not conform to the zoning by-law or the Official plan so applications must be made for amendments to these documents.

The developer's role is to make the appropriate application, to do so in a way that is complete and easy to understand, and to manage the application so that the review agencies get timely responses to enquiries and requests for additional information, and reasonable efforts are made to resolve concerns about the application. This guide is intended to assist the developer in doing just that. Although this guide is for those making planning applications that will require provincial approval, the general advice found here should be helpful to any developer preparing a planning application.

The Review Process: Provincial and Municipal Roles

The planning review process varies according to the type of application and whether the province has given a region, county, city or planning board some of the province's approval powers. When a municipality has been given provincial approval powers, the approval is said to have been "delegated" to the municipality. Delegated authority is discussed in the following section of this chapter.

The local municipality is almost always involved in planning applications. Often, the municipality approves them. Sometimes it makes recommendations and/or comments on applications to the higher level of government. Regions perform an important planning role, often exercising approval powers over local Official Plans and development applications. Counties may have significant planning functions.



Generally, where there is a county government, the province has retained most of its planning powers. (See Appendix A.)

The province not only approves certain types of applications in areas where it has not delegated its authority, but its ministries and agencies review applications for provincial interests when an application is made to a municipality, as well as when it is made to the province. It is the municipality's role to circulate planning applications to the province when an application is made to the municipality.

Only the North, where there are areas without municipal organization, features special arrangements that may involve planning boards or the province alone approving applications.

Delegated Approvals

The province has delegated or assigned its approval power for certain types of applications to some municipalities and planning boards that have an Official Plan and the expertise and staff to conduct the review themselves while ensuring that provincial interests are met. (Appendix A at the end of this guide includes a list of delegated municipalities.) In some cases, the delegated municipality has further delegated the approval power to a staff person, usually the planning commissioner.

In the near future, the province will probably increase the number of delegated municipalities and planning boards, and the types of applications that they can approve. Many municipalities have good Official Plans and the necessary qualified staff and expertise to exercise this approval function.

Key Steps

The key steps for any planning application are described here:

Start-up Process

Identify what types of planning approval, if any, the development requires and whether the application is made to the municipality or the province.

Information Requirements

Gather the necessary information to make a complete application.

Make an Application	Submit the application form and all supporting information to the approval authority.
Initial Review	The application will be reviewed to see if the information is complete and whether the application merits further consideration.
Public information/ notice/meeting	For many types of planning application there is a requirement for public information, notification of the public, and or public meetings.
Plan Review/ Consultation	The application in most cases must be circulated and reviewed by various departments, agencies and/or ministries for conformity with local, regional and provincial policies, as well as such matters as whether the development is suitable for the specific site and the availability of services.
Request for Amendments/Studies	The applicant at this stage may be asked for more information or to make certain changes to the proposal.
Decision	A decision will be made by the approval authority whether to approve, turn down, or formally ask for changes. The approval may have conditions attached to it that must be met before development can proceed. In the case of subdivisions, draft approval only is given until the conditions are met. For Official Plan amendments, either the Province or the upper tier municipality will review the application and either approve or reject it.
Ontario Municipal Board Appeal or Referral	The decision to approve or refuse a planning application can usually be referred or appealed to the Ontario Municipal Board (OMB) by either the applicant or another interested party.

Appendix



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Appendix B describes in more detail the key steps in the planning process for each different type of planning application.

More Than One Type of Application at the Same Time

To save time, developers often apply for an Official Plan amendment (OPA) when they apply for a rezoning, and subdivision or consent approval. Some developers also apply for site-plan approval at the same time.

This is an efficient way to proceed in many cases. There may, however, be some drawbacks to making simultaneous applications. The principle that the proposed type of development is acceptable in the desired location must first be agreed to through an amendment to the Official Plan. If that principle has not been established, and if the OPA is refused, the applicant may have done considerable extra work. Consultant studies may have been prepared that were not needed for the OPA but were required for the more detailed review of a rezoning, a subdivision approval or even a site-plan approval. Such extra time and costs could have been avoided if the OPA application had been dealt with first. However, where the OPA is for development on private services detailed studies similar to studies required for subdivision approval, such as hydrogeological reports, are usually required before any approval can be given.

It is suggested that if a developer wants to reduce his or her financial exposure and is not entirely confident that the OPA will be approved, the OPA application be addressed first. The choice, however, is the applicant's.

Northern Ontario

A large part of Northern Ontario is unincorporated area, which means there is no municipality to handle planning applications. In some parts of the North, this has been addressed by creating planning boards to deal with planning applications that cover unincorporated areas and often one or more municipalities. In an area covered by a planning board, the board will generally treat an application the same way a municipality would. If the application is for land in a municipality covered by a planning board, the applicant should find out whether the municipality or the planning board is responsible for a particular type of planning application.

For simplicity, "municipality" is used throughout this document to include planning boards except where there is a need to note a difference between the way planning boards and municipalities operate.

In unincorporated areas not covered by a planning board, the Ministry of Municipal Affairs (MMA) is responsible for processing planning applications. Applications are made directly to MMA. The review carried out by the province is similar to a municipal review. However, the process is often different. The differences are noted in Appendix B.

It should be noted here that, in unincorporated areas, Minister's zoning orders are the only form of zoning. Zoning orders may also be applied to municipalities, and if there is municipal zoning, the Minister's zoning order will override it.

2 Preparation

Introduction

The amount of preparation required depends on the complexity of the application. For Official Plan Amendments, rezonings and subdivision approvals considerable effort is required to prepare a successful application. Other types of applications, such as for a consent or site plan control approval, may not involve as many issues and can therefore be undertaken with less planning staff consultation, and less, or no, public and municipal council consultation. The advice given below refers mainly to more complicated types of application, but is also worth reviewing for routine applications. Obviously, in all cases, the applicant must find out where to apply.

Where to apply

Talk to your local municipality and make sure you understand which level of government is the approval authority for your application and the planning process. A planner at the approval authority will be working with you, coordinating comments from other departments and agencies that are reviewing your application. Identify your coordinating planner.

Preconsultation

Before applying for development or planning approvals, the applicant should spend time becoming more familiar with the planning process and the particular issues that apply to the proposed development. For most types of applications, preconsultation with the approval authorities and the provincial review agencies before submitting an application provides invaluable information on what will be required for a *complete* application for the specific proposal.

Preconsultation allows developers to assess “what they are up against”. In some cases, environmental conditions may be such that no further studies should be undertaken; the development should not be contemplated. In other cases, preconsultation may reveal that the cost of studies and mitigative measures may be so significant that development feasibility is questionable. In more favourable situations, through preconsultation the developer will know what studies and other

information will be required to make a complete application that can be quickly and easily reviewed. Even in the case of site plan control applications, which have the simplest review process, knowing what the municipality wants to see on the plans will speed up processing of the application.

Inform the municipal councillor

Municipal councillors should be informed of your development, especially if it is in their ward. They may have important information about the neighbourhood and citizens' groups. In all cases, and particularly if the municipality must approve the proposal, it is obviously desirable that council understands the development and that you in turn understand their concerns.

Inform the public

Remember that the public, through representation to the municipality, the region and the province, has a voice in the course of planning approvals. Public consultation is one of the most effective tools that applicants can use to improve the planning process. Experienced developers have found that time spent up front on consultation can result in a better project and a greater understanding of the proposal. While no process can guarantee full community support, in many instances, public consultation may save time and money, improve the development and enhance the developer's reputation. Appendix E lists suggested steps to effective public consultation.

Appendix



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Do your homework

Do your homework before you apply. If your development application is to be processed promptly, it is important that it be as complete as possible. It is your responsibility to take an active role preparing and processing your application. Remember, the applicant has the responsibility to justify his or her application for planning approval. By putting your best efforts into preparing and managing the application, you will be presenting your project — and yourself — in a positive and professional manner. Considering how many people are involved in the review process, the benefits of submitting a clear and complete application are obvious. It pays to spend the necessary time at the early stages of the application process.

The following checklist will help you prepare to submit a comprehensive application.

3 Specific Issues That May Apply to the Proposal: A Checklist



Identify exactly which amendments and/or approvals are required. For example:

- ☐ Official Plan amendment
- ☐ zoning by-law amendment
- ☐ subdivision plan approval
- ☐ minor variance approval
- ☐ site-plan approval
- ☐ zoning order amendment
- ☐ condominium plan approval
- ☐ consent to sever



Identify the approval authority (the local, regional or provincial government or planning board).












Obtain a copy of the actual development application form from either your local planning office or the Ministry of Municipal Affairs. Reading through this form will assist in identifying applicable provincial legislation and policies.



Determine whether multiple types of applications will be submitted at the same time. For example:

- ☐ Official Plan amendment
- ☐ zoning by-law amendment
- ☐ subdivision plan approval

-  Find out what other types of approvals may be required (Conservation Authority, health units, utilities, commissions, etc.).
-  Identify and contact the appropriate staff of the municipality where your development is situated.
-  Gather information on the procedures and requirements of the approval authority:
 - ☐ What form should the application be in?
 - ☐ How many copies are needed?
 - ☐ What studies are usually required?
 - ☐ How is the application reviewed at the municipal level?
 - ☐ Who are the review agencies?
-  Identify all levels of government and other agencies that will have input into the planning processes:
 - ☐ local municipality
 - ☐ regional municipality
 - ☐ provincial ministries
 - ☐ other agencies (Hydro, CNR, etc.)
-  Inform the ward councillor (and other potentially interested members of the local council) of the proposal.
-  Identify who the “public” is. Who will be affected by or interested in the issues surrounding your application (individuals, special interest groups, etc.)
-  Determine whether the municipality has commissioned planning or technical studies that may affect the application.
-  Determine which studies are required to deal with the planning issues.
-  Determine if similar studies have been recently undertaken. How did they deal with the issues?

4 Provincial Policies and Interests to be Addressed: A Checklist

This section is important for all applications. For Official Plan amendments, rezonings, subdivisions, condominiums, and consents, use this checklist. Check those areas you feel may apply to your application. Appendix D (Summary of Provincial Issues and Required Studies) gives information on each of the specific provincial interests in the order they are presented here. If you don't know whether a particular issue affects your site, check it and discuss it with your coordinating planner. Even smaller sites should have this check because a review now of provincial interests will save you running into problems later.

Appendix



Pg. D2

Conformity with the Official Plan

Is the proposed development:

- ☐ *in conformity with the Official Plan?*

Agricultural Lands

Does the proposed development impact on:

- ☐ *agricultural lands?*

Community Development

Is there a requirement for *community amenities*:

- ☐ school sites/provision?
- ☐ parks/open space?

Might the site include *cultural heritage* resources:

- ☐ archaeological sites?
- ☐ heritage buildings or structures?
- ☐ cemeteries or known burials?

Have you considered the benefit of:

- ☐ *good design?*

Does the proposed development conform to *growth and settlement policies*:

- ☐ Is it within an established settlement area?
- ☐ Is it outside a settlement area?
- ☐ Is it in an area without municipal organization?
- ☐ Is it justified in terms of population and employment projections?

If you are proposing *housing*:

- ☐ has the Housing Policy Statement been considered?

Have you considered:

- ☐ *public transportation, walking and cycling needs?*
- ☐ *public roads and access requirements?*

Natural Heritage and Related Issues

Does the proposed development impact on, or is it affected by:

- ☐ *Environmentally Sensitive or Significant Areas (ESAs) and Areas of Natural and Scientific Interest (ANSIs)?*
- ☐ *plant and wildlife habitats?*
- ☐ *topsoil management?*
- ☐ *waterbodies and fish habitat?*
- ☐ *wetlands?*
- ☐ *woodlands?*

Non-renewable Resources

Does the proposed development impact on, or is it affected by:

- ☐ *mineral aggregates?*
- ☐ *petroleum and non-aggregate mineral resources?*

Public Health and Safety

Have you considered the impact of the following issues on your proposal:

- ☐ *air quality/odours, particulates and noise?*
- ☐ *contaminated soils?*
- ☐ *flood plains?*
- ☐ *problems due to former uses (landfills, disused mines etc.)?*
- ☐ *railways?*
- ☐ *unstable lands?*

Regional Issues

Is the proposed development within:

- ☐ *an area subject to Aboriginal land claims/or self-government negotiations?*
- ☐ *the Niagara Escarpment Plan?*
- ☐ *the Oak Ridges Moraine?*
- ☐ *the Parkway Belt West Plan?*

Servicing and Related Issues

Have you considered issues around:

- ☐ *municipal/provincial sewage systems (capacity, servicing options)?*
- ☐ *on-site sewage disposal?*
- ☐ *stormwater management?*
- ☐ *water supply (quality and quantity)?*

5 Preconsultation Meetings

The Preconsultation Meeting for Large or Complex Proposals

Preconsultation can take the form of a meeting between the applicant and a team of government agencies that will review the proposal for conformity to agency policy, guidelines and regulations. This method works best for large or complex proposals by attempting to identify upfront the issues that need to be considered before approval to develop can be given. The point of such a meeting is to save time for all concerned. Therefore, the decision to hold one is made in certain cases only, by the coordinating planner.

What Is a Complex Application?

To help decide whether your application may be considered “large or complex,” consider the following:

- Do you need an Official Plan amendment?
- Are there sewage capacity concerns?
- Is the development on or near any environmentally sensitive lands?
- Are several provincial policy issues involved?
- Have you proposed industrial or several types of uses on the site?
- Are there water quality/quantity concerns?

If you answered yes to two or more of these questions, then there may be several significant issues that involve considerable amounts of time and money to investigate and resolve. Discuss your application with your coordinating planner. The planner will determine the best course of action.

How Does the Meeting Work?

The decision to call a preconsultation meeting is usually determined following discussions between the applicant and either (1) the local or regional planning department staff in municipalities where the approval authority has been delegated, or (2) the assigned provincial planner at the Ministry of Municipal Affairs. Copies of a detailed description of the proposal are distributed to the review team, and a meeting date is arranged. Representatives from appropriate review agencies are invited to meet with the applicant to discuss relevant issues (e.g., wetlands, transportation). These representatives should have the authority to make recommendations.

Following the preconsultation meeting, the applicant should know who the key agency contacts are, if there are any concerns about whether development should be permitted at all in this location, and which studies need to be undertaken. As well, the applicant should have an understanding of how long the approval process should take.

Appendix

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Because of limited resources, Ministry of Environment and Energy staff are unable to meet prior to formal application on each and every development proposal. They are, however, available to clarify any applicable ministry policies (see Appendix C, Sources of Information, and Appendix D, Provincial Issues and Required Studies) after the policies have been reviewed by the applicant. In exceptional cases, where available MOEE policies do not provide adequate guidance, or where the subject site exhibits one or more significant environmental constraints (e.g., contaminated soils, development on or near former landfill sites, etc.), MOEE is willing to engage in and encourage preconsultation.

6 Hiring a Consultant

If you do not have the time or expertise to manage your application through the process, consider hiring a professional planning consultant. Such consultants can provide invaluable assistance because they understand the process and know who the key players are. If you need to prepare special studies, you will likely need to hire a specialist. For example, for hydrogeological studies you would want the expertise of an engineering consultant.

A consultant earns a living by providing short-term professional expertise, on a fee-for-service basis, usually under an agreement. A consultant may work for himself/herself or represent a firm. He or she is engaged for a specified time and a specified fee to:

- provide special expertise or services,
- study or advise upon a specific area, and/or
- make specific recommendations or offer opinions,
- make presentations to the municipal council or the public,
- appear as a witness at the Ontario Municipal Board.

Consultants can bring a wide range of experience and knowledge to a particular problem. They can manage the whole application process or just a piece requiring their special expertise. They can seek out important information about local conditions. Members of consulting firms are trained to meet deadlines and to achieve objectives efficiently. The type of consultant needed depends on the type of job to be done.

The following are suggestions for when and how to hire a consultant.

When:

- When work cannot be done effectively by the applicant or his or her staff.
- When an objective, professional opinion is needed.
- When there is a statutory or regulatory requirement for specific professional expertise.
- When specialized technical expertise is required.

How:

- Look for talent and experience first.
- Consider at least three or four eligible consultants.
- Provide a clear description of the work to be done.
- Ask for recommendations from colleagues who have used consultants.
- Provide detailed terms of reference.
- Request proposals.
- Identify who in the firm will actually do the work.
- Ensure that the consultant has the necessary professional qualifications and can give evidence at the Ontario Municipal Board.
- Select the most qualified, based on needs and suitability.
- Negotiate final costs.
- If an agreement is reached, draw up a contract.
- If you cannot agree, approach a second choice.

7 Project Management

Effective Project Management

Using a project management approach helps to ensure that your project is not delayed unnecessarily. Take the time to “track” the application and you will know:

- where your application is at any given time;
- who is looking after it;
- what problems, if any, have been identified; and
- how the problems are being resolved.

Tools and Techniques

Project managers have developed a number of tools and techniques to assist in this task of tracking and expediting. Some use a “bring forward” file to flag when they should call back a particular agency to check on the application’s progress. Others use a separate logbook for each project, in which they record the date and contents of phone calls relating to the project. And others use a simple cover sheet on the file folder to list the date, name, position and phone number of the person contacted.

Whatever techniques you use, you should be alert to problems that may cause delays. It is not enough to know that the “file” is on someone’s desk. Are the appropriate people dealing with it? When will they get to it? What concerns do they have? At this stage, a reasonable amount of persistence helps.

Common sense and tact help too, so respect the workload of the reviewer.

In a few cases, delays can occur when different agencies have conflicting views, or when an agency suggests an amendment that the applicant does not agree with. To resolve these problems, try to bring the conflicting agencies together, or seek assistance from the municipal, regional or provincial authorities. Some of these bodies offer a conflict resolution service.

Preparing a Work Plan

Regardless of its size, every project should have a work plan. The work plan can be formally set out on a spreadsheet or less formally entered in a notebook. Whatever the format, it should:

Organize tasks and answer key questions:

- *What* is to be done?
- *Who* is to do it?
- *How* long will it take?
- *When* will it be completed?
- *What* are the expected results?

Indicate the relationships between tasks:

- Which are sequential? Which must be done first?
- Which are parallel? Which can be done at the same time?

Highlight key dates and events:

- When are reports due?
- When are decisions necessary?

Project Control

The following checklist includes key elements of project control:

1. Determine who will be your project's manager.
2. Identify your government coordinating planner.
3. Review your work plan.
4. Establish monitoring procedures:
 - reports (progress, status),
 - meetings.
5. Determine methods of payment.
6. Determine controllable areas of costs.
7. Set up procedures for problem-solving:
 - Determine the nature of problems.
 - Identify contacts at approval agencies and determine the extent of their authority.
 - Determine the impact of changes to plans.

8 Provincial Applications and Forms

Read this part of the guide if you must submit your application to the Province, or for Official Plan Amendments, if the municipality will submit the application to the Province.

In this section is information on how to prepare a complete application that will be submitted to the province, or in the case of Official Plan Amendments, that is submitted by the municipality to the province for final approval. This means that this part covers:

Official Plan Amendments

Subdivision Approvals

Condominium Approvals

Consents

Minister's Zoning Order Amendments

It does not cover these types of application if the approval authority has been delegated or assigned to the municipality (See Appendix A) or delegated to a planning board. Because the application process varies throughout the Province, it is essential to find out who to submit the application to. Consult your municipality if you do not know.

For readers interested in greater detail about the planning application process, the key steps are detailed in Appendix B.

Applying for an Official Plan Amendment

Official Plan amendments are dealt with in this chapter even though the application is made to the municipality, because, in many areas, the municipality must submit the amendment to the province for approval. The province is introducing a new system for these submissions from the municipality. The municipalities are

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encouraged to complete an Official Plan Amendment Form and to send the form, and any supporting information that the form requires, to the Province. The Province's Official Plan Amendment Form is the form that is discussed in detail here.

The Developer's Role An application for an Official Plan amendment (OPA) is made to the local municipality on the form it provides or according to the municipality's specifications. If there is a county or regional Official Plan, it also may have to be amended, again on a particular form or in a specific manner.

Because of the wide range of application forms — and, in some areas, the lack of any application form — this guide only provides general information. The most important thing to keep sight of is that not only must you satisfy the local municipality but the province, or upper tier municipality, as well. After the local municipality has adopted the OPA, it still must be sent to the province or, in delegated areas, the county or region for approval.

For OPA's that will be submitted to the Province, it is highly recommended that an applicant read the OPA submission form that the municipality must fill out for the province. This review will give the developer a very good idea of the issues for which satisfactory answers must be found and/or studies prepared.

Most municipalities require the applicant to provide the necessary information on each of the areas of provincial interest and on the site and adjacent features. Generally, this information is required before the OPA application is heard by the municipal council. Even if the information is not required at an early date, the municipality still must supply answers before the province will approve the OPA. In discussions with the municipality, the developer should find out whether the municipality expects the developer to provide information about, and suggest solutions for, a specific concern or prepare necessary studies. The municipality may wish to address the issue itself.

The Municipality's Role If the OPA is approved by a municipal council and the OPA must also receive provincial approval, the most recent provincial form should be completed by the chief planner or the clerk of the municipality. This Official Plan Amendment Form, along with the OPA and all supporting information, studies and reports, should be submitted for approval to the province. This form is part of a new procedure the province is testing to improve its service to applicants. The form is shown in the section at tab "Forms".

The Provincial Official Plan Amendment Form

The following paragraphs are arranged in the same order as the sections of the provincial Official Plan Amendment Form which should be filled out by the municipality. The form that is attached in this guide is being systematically tested in the Greater Toronto area and it is highly desirable that other municipalities also use it.

The form is designed to be used in two situations: First, for policy and area-wide types of amendments to the Official Plan that are usually initiated by the municipality (e.g. changes to the policies for all Hazard Land designations in the municipality); Second, for amendments that result from an application by a developer to permit development on a specific property.

The policy or area wide OPA and the application driven OPA have different information requirements. Identify which type of OPA is under consideration. Certain questions are only to be answered for OPAs that are related to an application to permit development on a specific parcel of land.

Section 1 General.

This section asks for basic information on the area of the municipality covered by the OPA, the purpose of the amendment, and the date of the public meeting and approval by Council.

Section 2 Contact Information.

This section asks for the names, addresses, phone and FAX numbers for municipal contacts and, if the OPA is the result of an application to develop a particular parcel of land, for similar information for the applicant. It is suggested that the municipality ask the applicant to use the same project coordinator for any related subdivision or condominium application.

Section 3 Concurrent application.

Question 3.1 ask for information on other planning applications that cover the same parcel(s) of land as the OPA. Question 3.2 is about other planning applications that might affect this application, but are not for the same parcel of land. These applications might be policy changes to the Official Plan or applications to develop adjacent land.

Section 4 Municipal Approval Information.

This section states what information on the municipal approval process must accompany the form. The municipality is asked to check that the material is attached.

Section 5 Compatibility with Provincial Interests.

This section asks the municipality first to identify whether each of the listed areas of provincial interest does apply, or may appear to apply, to the OPA. Each of these provincial interests is discussed in Appendix D to this guide, in the same order as they appear on this form.

If there could be any uncertainty on the part of someone reviewing the application whether a particular interest applies to the amendment then the column should be filled in with a YES. If a YES is filled in for a particular provincial interest, then the matter must be discussed in the accompanying planning report. A planning report must accompany every Official Plan Amendment Form. At the very least, the planning report must explain how this amendment fits with other Official Plan policies, both those of the local municipal plan and, if there is an upper-tier plan, those of the upper-tier plan. If other areas of provincial interest do, or may apply, then the planning report should discuss either:

- How the provincial interest has been dealt with, or
- Why the provincial interest does not apply in this case, though it may appear to.

To prepare the planning report, or technical studies if they are needed, reference should be made to the appropriate information sheets in Appendix D of this guide.

In order to screen the applications into different streams for appropriate processing, it is very important to note the distance from the proposed development of any problem uses or constraints on development.

Please ensure that the studies or reports required are attached.

Section 6 Private Wells and On-site Sewage Disposal.

This section must be filled out only if the application will require the use of private wells or on-site sewage disposal e.g. septic tanks. There should only be a YES on one line of this section, since an application cannot fit more than one of the classes described. If the answer to 6.2 or 6.3 is YES, then a YES should be placed in the last column showing that the required material is attached.

Further information on private services and the studies required is found in the information sheets on On-site Sewage Disposal, and Water Supply, in Appendix D of this guide.

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Section 7
Information for Official
Plan Amendments
That Originated With
An Application For A
Development Proposal.

This section is only to be filled in if the OPA is the result of an application to permit a development.

These questions relate to specific features and constraints that may be found on or near the proposed development site.

In this section, questions 7.1 through 7.5 ask very specific questions which must be responded to, while section 7.6 is a table which must be filled in about specific on-site uses or adjacent uses within 500 metres of the boundary of the development site. In several instances a report is requested as part of the application if a certain feature is located nearby. For information on the necessary studies, or to understand the provincial interest, see the relevant sheets in Appendix D as follows:

Airport	Air Quality/Odours, Particulates and Noise (D51)
Abattoirs.....	Air Quality/Odours, Particulates and Noise (D51)
Active railway lines	Railways (D61)
Agriculture	Agricultural Lands (D7)
Contaminated Soils	Contaminated Soils (D55)
Highways, Freeways.....	Roads and Access (D31); Air Quality/Odours (D51),Particulates and Noise (D51)
Industrial Uses	Air Quality/Odours, Particulates and Noise (D51)
Landfill/dumps	Problems Due to Former Uses (D59);Air Quality/Odour, Particulates and Noise (D51);Soil Contamination (D55)
Pits or Quarries	Air Quality/Odours, Particulates and Noise (D51);Mineral Aggregates (D47);Problems Due to Former Uses (D59)
Waste stabilization or	Air Quality/Odours, Particulates and Noise (D51)
Sewage treatment plant	
Sub-surface rights	Mineral Aggregates (D47);Petroleum and Non-Aggregate Mineral Resources (D49);Problems Due to Former Uses (D59)

Please ensure that any studies or reports requested are attached.

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Section 8

Circulation of Draft OPA by the Municipality

Municipalities should circulate the draft OPA to ministries and agencies that appear to have concerns about the application. Comments should be considered when council reviews the application.

This section asks the municipality to:

- note which ministries and agencies have been sent the application for comment;
- attach a copy of any comments from the ministries/agencies; and
- explain how the concerns have been resolved.

Section 9

Other Information.

In this section, the municipality is given the opportunity to add any extra information the province might find useful in processing the application.

Applying for Subdivision Approval

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The Developer's Role

The developer must apply for subdivision plan approval either to the province or to the delegated municipality (see Appendix A). Applications made to the province should be on the latest provincial Subdivision and Condominium Application Form, which should be completely filled in and accompanied by all required supporting information. Delegated municipalities have their own application forms. (Recently delegated municipalities use forms similar to the province's.) The section at tab "Forms" includes a new subdivision/condominium form being introduced and tested by the province to improve the quality of applications and speed of processing.

The rest of this section on subdivision applications only applies to applications made to the province. If the questions on the provincial form are not all answered, or if the supporting information is not supplied, the application may be returned as incomplete. *It is therefore very important that applications for subdivision plan approval are complete and include all supporting information.*

The Provincial Subdivision Form

The following paragraphs are arranged according to the sections of the provincial Subdivision and Condominium Application Form.

Section 1: A Complete Application.

The form requires that the entire application be completed and *that all required supporting information* be included with the application. In section 1, the applicant must check off that the supporting information has been provided and must list the studies that accompany the application.

The form is designed so that the applicant, by answering certain questions about the site and the surrounding area, will know what studies must accompany the application. The required studies vary according to the situation. For example, if there is no wetland near the proposed subdivision then, obviously, studies related to wetlands will not be required.

The practice of having an applicant identify and submit studies with the application saves considerable time in the development approval process. Until recently, only after an application had been reviewed would he or she know what studies were required. This process was more time-consuming for both the province and the applicant. The province had to review the application and prepare a list, and the applicant had to wait for this list before preparing the studies.

There will still be situations where, after review, additional information or studies will be asked for. Such requests, however, will be made only in circumstances that cannot be dealt with through a standard application format.

This guide should provide a good preliminary indication of when studies will be needed, even if they are not specifically requested through the application form. If you believe a study is needed although that is not indicated by the application form, call the appropriate ministry or agency. If a study is needed, it is definitely preferable that it accompany the application.

Section 2: Location of Lands. Section 3: Applicant Information. Section 4: Proposed Land Use.

These sections ask for specific information. The location of lands should provide lot and concession number and street address where both are known. In urban areas, a street address may be adequate, whereas in rural areas, a street address may be irrelevant. At least one form of site identification must be provided.

The province prefers the applicant to use one application coordinator as the main contact. All correspondence will be directed to the coordinator.

Section 5: Status of Planning Approvals.

It is important to note that the province will not process an application for subdivision approval if an Official Plan amendment is required and has not yet been received by the province.

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Section 6: Affordable Housing Information.

Before attempting to complete this section, an applicant should read the Housing information sheet in Appendix D of this guide. An applicant requiring more information should refer to the Land Use Planning for Housing Policy Statement. Other sources are suggested on the Housing information sheet.

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Section 7: Servicing.

For more information on servicing issues, an applicant should read the following information sheets in Appendix D of this guide: Municipal/Provincial Sewage Systems (D79), On-site Sewage Disposal (D83), Stormwater Management (D87), Water Supply (D89), and Roads & Access (D31).

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Section 8: Mapping Information Requirements.

This checklist ensures that the applicant's draft plan of subdivision maps will include all the necessary information. Two maps are required: a map of the site in relation to the surrounding area, and a draft subdivision plan. Other maps may be added to show sites identified in sections 9 and 10 of the form. Twenty-five copies of the draft plan and supporting maps must be submitted.

Section 9 Provincial Interests: General Concerns

Section 10 Provincial Interests: Specific Questions

In sections 9 and 10, the applicant identifies the Provincial interests that affect the site either because a certain feature or land use is or was on the site, or because such a feature is found nearby and its presence could affect development on the proposed site.

In **section 9**, the applicant must identify in the table whether any of the listed features/constraints are found on the property or on an adjacent property. If it is not on the site but on an abutting property, the distance in metres from the property line of the proposed development should be noted.

The applicant must prepare a report, or more than one if this is more appropriate, that discusses how each of the identified areas of provincial interest that is on, or adjacent to, the proposed development site has been dealt with. Each of the provincial interests listed is also the subject of an information sheet in Appendix D of this guide. Before preparing any reports, reference should be made to the relevant information sheet which will explain the issue and how the applicant should proceed. If technical issues are raised the necessary report should be prepared by a qualified professional.

Section 10 is similar to Section 9 except that in questions 10.1 through 10.5 very specific questions are asked and must be responded to, while section 10.6 is a table which must be filled in about specific on-site or adjacent uses within 500 metres of the boundary of the development site. In several instances a report is requested as part of the application if a certain feature is located nearby. For information on the necessary studies or to understand the provincial interest see the relevant sheets in Appendix D as follows:

Airport	Air Quality/Odours, Particulates and Noise (D51)
Abattoirs.....	Air Quality/Odours, Particulates and Noise (D51)
Active railway lines	Railways (D61)
Agriculture	Agricultural Lands (D7)
Contaminated Soils	Contaminated Soils (D55)
Highways, Freeways.....	Roads and Access (D31); Air Quality/Odours (D51),Particulates and Noise (D51)
Industrial Uses	Air Quality/Odours, Particulates and Noise (D51)
Landfill/dumps	Problems Due to Former Uses (D59);Air Quality/Odour, Particulates and Noise (D51);Soil Contamination (D55)
Pits or Quarries	Air Quality/Odours, Particulates and Noise (D51);Mineral Aggregates (D47);Problems Due to Former Uses (D59)
Waste stabilization or Sewage treatment plant.....	Air Quality/Odours, Particulates and Noise (D51)
Sub-surface rights	Mineral Aggregates (D47);Petroleum and Non Aggregate Mineral Resources (D49);Problems Due to Former Uses (D59)

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Failure to identify the issues affecting a site could have serious consequences. It is a criminal offence to knowingly fill out the application form inaccurately and declare the information to be true. If, however, an applicant has unintentionally missed a concern, the result will likely be a considerable delay in the processing of the application. Once the province determines that the concern exists, the applicant will be requested to provide the necessary information or study. It may take several months for the material to be prepared and reviewed.

Declaration and Authorization. These parts of the form must be completed by the applicant. Where the applicant is not the owner of the property, the form must be completed by the owner as well. If the subsurface rights and the surface rights to the property are held by different owners, the owner of the subsurface rights must complete the authorization for the application.

Attachment #1: Municipal Official Plan/Servicing Form. This form must be completed by the local municipality. The applicant must have the local municipality complete and sign the form. He or she should then attach it to the application.

The Municipality's Role	The local municipality (or planning board) will be asked by the developer to complete Attachment #1, Municipal Official Plan/Servicing Form.
Section A	This information is required to ensure that the municipality is reviewing the same application as the Province.
Sections B and C	These sections require specific information on Official Plan and zoning by-law status. If a note is attached for question 7, it should only give the minimum of information e.g appellant objects to density - thinks it should be reduced; appellant objects to use - the zoning should not permit commercial; appellant objects to size of lots - thinks they are too small.
Section D	If additional information is required, please refer to the information sheets on Servicing in Appendix D to this guide.
Section E	Additional information on Housing issues is found in Appendix D to this guide.
Section F	Additional information on parkland dedication is found in the Community Amenities section in Appendix D to this guide.
Section G	This section simply requires the municipality to note whether the proposal has been presented to Council, and if so, to attach the minutes of the meeting.

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If the municipal official completing the form has additional information that would be of use to the province in reviewing the application it should be provided here.

The municipality will also be circulated the plan upon receipt by the province, at which time it will be asked for any changes or conditions of approval that should be incorporated. The municipality will, in addition, be asked whether it is in support of the application, and if not, requested to provide its reasons.

Applying for Condominium Approval

The Developer's Role

The same form used for subdivision approval is used for an application for approval of a condominium in a newly constructed building. Most of the points are covered above. Section 5 of the form includes additional questions specific to a condominium. These must be completed. If the answer to question 9 is that this is a conversion of an existing building with residential units, then the application will be returned.

Applications that involve the conversion of an existing building with residential units into a condominium are covered by the Rental Housing Protection Act. These condominium conversions are dealt with by the municipality, *not by the province*.

The Municipality's Role

The municipality will be asked by the developer to complete Attachment #1, Municipal Official Plan/Servicing Form which is the same as for subdivision approval and is described in that section. If the application is for a condominium conversion of an existing rental residential property, the municipality should advise the applicant that the application is to be made to the municipality, not to the province.

The municipality will also be circulated the plan upon receipt by the province, at which time it will be asked for any changes or conditions of approval that should be incorporated. The municipality will, in addition, be asked whether it is in support of the applications, and if not, requested to provide its reasons.

Applying for Consent Approval

The Developer's Role The registered owner of land, or the owner's authorized agent, applies for consent approval either to the Ministry of Municipal Affairs or to the local consent-granting authority. Depending on location, this authority may be a county land division committee, a local council, a committee of council, a committee of adjustment or a planning board. (The ministry may be delegating its approval power for consents to additional municipalities/planning boards; applicants should clarify approval powers directly with the municipality.)

An application made to the province should be completely filled in on the current provincial consent application form. Other consent-granting authorities have their own forms, which should be obtained from the municipality/planning board. (Recently delegated municipalities/planning boards use forms similar to the province's.)

For applications to the province, if the questions on the application form are not all answered and the sketch is not submitted, the application may be returned as incomplete. *It is therefore very important that applications for consent approvals are complete and that 10 copies of the application form and sketch are submitted.*

The Provincial Consent Form

The form requires that the entire application be completed. The form consists of two parts. Part A is the application form itself. Part B is the accompanying sketch of the subject property and a key map.

Part A:

Section 1: Names. Section 2: Location of Property. Section 3: Purpose of Consent. These sections ask for relatively straightforward information. If an agent and/or solicitor is involved in the project, the application should identify one main contact.

Section 4: This section requests information about whether the proposal is the subject of an Official Plan and/or zoning order amendment. Related applications can therefore be identified

and dealt with at the same time. This section also asks for necessary background information on the subject property. This information will assist the ministry in its review of the proposal.

Section 5: Description of Property as Shown on Sketch. Section 6: Use of the Property (Existing and Proposed). The application form must clearly and specifically indicate the existing use of the land as well as its intended use (e.g., “convenience store”; not “commercial use”).

Section 7: Buildings (Existing and Proposed). Section 8, 9, 10: Servicing — Road Access, Water, Sewage. Section 11: Restrictions. The information required in these sections is relatively straightforward. It is important to complete this information for both the severed lot(s) and the retained lot.

Part B:

The *accompanying sketch* illustrates most of the information requested in Part A. It should clearly identify the following:

- the areas to be severed and retained;
- the full extent of the owner’s lands;
- approximate dimensions of the lots (in metric);
- approximate locations of and distances between existing and proposed buildings and structures;
- all previous severances from the original holdings;
- the approximate location of all natural and artificial features, including railways, highways, slope of land, watercourses, wells, septic fields, swamps and wooded areas;
- the use of adjoining lands;
- the nature and location of easements or restrictive covenants affecting the lands;
- the location, names and status of the roads leading to the property, and distances to the connecting public road.

If the application is for a lot addition, the applicant must identify the lands to be added to the lot and provide proof of their ownership (a copy of the parcel register or transfer/deed of land form). If the lands are part of a registered plan of subdivision or reference plan, the applicant must provide a copy of the plan with the consent application.

The *key map* should identify the location of the site relative to major natural or artificial features (e.g., existing development, highways, lot and concession boundaries, watercourses). The applicant should indicate whether the lands are in the land titles or registry system.

Declaration and Authorization. This part of the form must be completed by the registered owner(s) and their agent/solicitor, if used. If an agent is used, written authorization by the owner(s) must also be included.

Applying for Minister's Zoning Order Amendment

Zoning orders are the only form of zoning in areas without municipal organization. The Minister of Municipal Affairs may also apply zoning orders to municipalities. A Minister's zoning order will override local zoning. However, in most municipalities, zoning is solely a local matter which does not require provincial approval.

The Developer's Role

The registered owner or authorized agent may apply for a minister's zoning order amendment usually to permit a proposed land use that (1) is not permitted in the category the land is zoned for, or (2) does not meet one of the zone's requirements. Zoning order amendments must conform with the local Official Plan, where one exists and with provincial policies and guidelines.

The processing of a zoning order amendment is the responsibility of the province. However, the administrative responsibility of processing zoning order amendments is usually given to planning boards, where they exist. The planning board is responsible for submitting its recommendation to the ministry. Whether the application is made to the ministry or to the planning board, it should be on the current provincial zoning order amendment application form. The form should be filled in completely and accompanied by a sketch and a legal description of the subject property.

If the questions on the form are not all answered and the sketch and legal description are not submitted, the application may be returned as incomplete. *It is therefore very important that applications are complete and that 10 copies of the application form and sketch are submitted.*

The Minister's Zoning Order Amendment Form

The form requires that the entire application be completed. The form consists of two parts. Part A is the application form itself. Part B is the accompanying sketch of the subject property and a key map.

Part A:

Sections 1, 2, 3: Applicant Information. Section 4: Location of Property. These sections ask for relatively straightforward information. If an agent and/or solicitor is involved in the project, the application should identify one main contact.

Section 5: Description of Land. This section asks applicants to submit a legal description of the property. The legal description may be a metes and bounds description; a reference plan that has been deposited in the local registry office or land titles office; or, if it is a registered plan, the registered plan number and lot number. In all cases, the correct geographic lot and concession number should be indicated.

Section 6: Creation of Lot. Information is requested about the date the lot was created, the length of time it has been in the owner's possession, and whether there is a related consent application.

Section 7: Zoning Order and Official Plan. This section asks for the present zoning of the property and asks why the amendment is required, whether there have been previous zoning order amendments, and what the Official Plan designation is for the subject property.

Section 8a: Present Use of Property. Section 8b: Existing Buildings or Structures. Information is to include, for all existing buildings or structures, the yard setbacks, building dimensions, building heights, and present and past uses. The existing use must be clearly and specifically described (e.g., "seasonal dwelling" or "permanent dwelling"; not "residential use").

Section 9a: Proposed Use of Property. The application form must clearly and specifically indicate the intended use of the land (e.g., "seasonal dwelling" or "permanent dwelling"; not "residential use"). This information is needed for the ministry and other agencies to assess the application properly.

Section 9b: Proposed Buildings or Structures. Information should include yard setbacks and building dimensions and heights. Proposed parking spaces should be provided as well for commercial or industrial uses.

Sections 10a, b, c, d: Servicing — Water Supply, Sewage, Disposal, Road Access, Other. This section requests details about available services. The information required in these sections is relatively straightforward.

Part B:

The *accompanying sketch* illustrates most of the information requested in Part A. It should clearly identify the following:

- the boundaries of the subject land, with dimensions;
- the location, widths and names of all roads or highways within or abutting the property, indicating whether they are publicly owned and maintained travelled roads or private rights-of-way and the location of the closest public road as well as public access points;
- the boundaries of all the land adjacent to the subject land that is owned by the applicant or in which the applicant has an interest (may be shown on a small key plan);
- the relationship of the boundaries of the subject land to the boundaries of the township lot and to the boundaries of any adjacent lots or registered plans;
- the location and dimensions of all existing and proposed structures on the subject land, and of all yard setbacks;
- natural and artificial features such as buildings (siting measurements may be required for some applications; e.g., where the siting of a building would encroach on a required side yard or front yard), railways, highways, pipelines, water-courses, drainage ditches, swamps and wooded areas, within or adjacent to the subject land;
- the nature of the existing uses of land within a radius of 300 metres of the property;
- easements, rights-of-way, and/or restrictive covenants;
- the slope of the land, in order to establish the relationship between the grade of abutting highways and the grade of the subject land and to determine the drainage of land. (Information may be given in the form of contours, spot elevations or a written description.)

Declaration and Authorization. This part of the form must be completed by the registered owner(s) and their agent/solicitor, if used. If an agent is used, written authorization by the owner(s) must also be included.

9 The Provincial Response

The full participation of both the applicant and the approval authority are necessary to the review process. This guide has focused on the roles and responsibilities of the applicant. The following section outlines what the applicant can expect from the provincial approval authorities.

Communications

The compilation of this guide has been made possible through the cooperation and commitment of those ministries involved in the planning approval process. This commitment means that applications will be reviewed in a timely manner. If the applicants do their homework, questions about the proposals can be more quickly answered by the individual ministry.

Increasingly, the province is using facsimile machines to communicate quickly both to the applicant and among ministries and departments. The telephone continues to be a direct way of communicating concerns, questions and comments about an application.

Once the application is received by the Ministry of Municipal Affairs (MMA), a coordinating planner, as the key contact person, is assigned to the application to see it through the review. Similar administrative practices help other ministries manage the files and respond to inquiries.

As each ministry reviews the application and provides its comments, copies of the comments are forwarded to MMA (as the coordinating ministry) and to the applicant. This process allows the applicant to understand the agency's concerns and begin to respond to them as quickly as possible.

Preconsultation — The Provincial Role

The province recognizes the advantages of having preliminary discussions with the applicant on potential development applications. However, it usually wastes time to approach any agency with specific questions about a potential development that has not been well thought out by the applicant and described in writing or on plans. Approval authorities are responsible for responding quickly and as thoroughly as possible to requests about Ministry policy and requirements. They are not responsible for developing the proposal.

Where resources and staff time permit, most ministries will participate in preconsultation meetings with the applicant to assist in assessing the feasibility of the development from a regulatory perspective.

Role of Ministry of Municipal Affairs

The Ministry of Municipal Affairs, as the lead review agency, coordinates and manages each application. The process involves screening each application for completeness and streaming complete applications to the appropriate team for review.

Screening and Streaming

Screening the application for completeness should become easier as a result of this guide and the new application forms, which go hand in hand. The applicant will know what constitutes a complete application, and the ministry will be able to determine quickly if the requirements have been met. The forms have been developed by the provincial review agencies to alert the applicant to the issues that must be considered if the application is to receive approval. The manual provides guidance for filling out the application forms.

Once the application has been screened and accepted for further consideration, the review planner at MMA will determine whether the application requires a broad circulation (if complicated), or a more modified review (if considered relatively simple from a policy point of view). Streaming applications this way allows straightforward applications to move quickly through review and saves valuable review time for the more complex proposals.

Core Teams

“Core teams” of planners from the ministries actively involved in reviewing planning and development applications have been organized geographically. The main purpose of the core teams is to manage the system and accelerate decisions on priority projects, primarily in urban areas. The teams also prepare coordinated provincial decisions on new Official Plans. As well, they are clearing the backlog of planning applications in the provincial review system.

The teams consist of professional staff from the ministries of Municipal Affairs, Environment and Energy, Natural Resources, Agriculture and Food, Transporta-

tion, Housing, Northern Development and Mines, and Culture, Tourism and Recreation. The teams have been organized in the following areas:

Core Team 1, Southwestern Ontario: Essex, Kent, Elgin, Lambton, Middlesex, Perth, Huron and Oxford.

Core Team 2, Niagara/Waterloo: Dufferin, Wellington, Waterloo, Brant, Haldimand-Norfolk, Niagara and Hamilton-Wentworth.

Core Team 3, Southern Georgian Bay: Bruce, Grey and Simcoe.

Core Team 4: Central Ontario: Muskoka, Haliburton, Victoria, Peterborough and Northumberland.

Core Team 5: Greater Toronto Area: Metropolitan Toronto, Halton, Peel, York and Durham.

Core Team 6, Eastern Ontario: Hastings, Lennox/Addington, Frontenac, Prince Edward, Lanark, Leeds-Grenville, Prescott-Russell, Stormont/Dundas/Glengarry, Ottawa-Carleton and Renfrew.

Core Team 7, Northeastern Ontario: Nippissing, Parry Sound, Timiskaming, Sudbury, Algoma, Cochrane and Manitoulin.

Core Team 8: Northwestern Ontario: Rainy River, Kenora and Thunder Bay.

Geographic boundaries of the core teams may change from time to time. Applicants should check with their MMA planner to confirm if their application has been assigned to a core team.

Ongoing Improvements

The government is committed to implementing a series of improvements to the planning application process. Together, these improvements are expected to have a major impact on the speed and efficiency of review.

The improvements fall into five categories:

1. **To reduce duplication in the system and to have decisions made at the municipal, county, or regional level where the resources exist.** The province will actively encourage municipalities to take on approval powers for planning applications; ministries will delegate some other types of approvals to selected municipalities; and the role of certain agencies in the planning approval process, such as Conservation Authorities, will be reviewed.

2. To improve the quality of applications so that they can be reviewed more quickly. This goal should be achieved as a result of this guide, the new application forms, training for consultants who prepare certain types of studies, the publishing of guidelines used by ministries, and information and training provided to municipalities starting to prepare new Official Plans.
3. To improve the management of the provincial caseload. Changes will be made to reduce downtime and to free up specialists to review appropriate cases through the screening and streaming of applications; the introduction of new caseflow management systems; and the initiation of special backlog-reduction measures.
4. To reduce the number of planning applications entering the appeals system or being referred to the OMB. A pilot prehearing mediation project is currently being assessed and it may achieve this goal. In addition, the Ministry of Municipal Affairs is reviewing the use of the authority to refuse to refer frivolous or vexatious requests to the OMB.
5. To improve customer service through education, good communications and an ongoing improvement program.

Provincial Facilitator's Office

The Provincial Facilitator's Office was established in 1992 as a government initiative to expedite planning approvals. Applications for projects that are environmentally sound and have the potential to be built soon, thereby creating jobs, are being expedited. The provincial facilitator's efforts are not to change the nature of the decision that would otherwise be made, but to speed up the decision.

To allow decisions to be made quickly, the office deals with individual applicants as well as with changes to the system.

Tracking the Response

Each ministry or agency should provide the name of the contact person for your application. By asking, you should be given a date for the completion of the review. You may wish to track the application, using the form on the next page or a similar one adapted for your purposes.

Ministry/Agency Tracking Chart

Contact: name, phone, FAX	Issue/report/plan contact is reviewing	Date promised	Date of letter	Work requested	Date promised	Date supplied	Date review promised	Date of letter
MMA	1.							
	2.							
MOEE	1.							
	2.							
MNR	1.							
	2.							

Contact: name, phone, FAX	Issue/report/plan contact is reviewing	Date promised	Date of letter	Work requested	Date promised	Date supplied	Date review promised	Date of letter
	1.							
	2.							
	1.							
	2.							
	1.							
	2.							

10 Other Approvals

List of Agencies, Municipalities and Ministries

The following list is for approvals or reviews that are *not* specifically covered in the rest of this guide. These matters are not necessarily part of the planning approval process. If, however, they are required for a particular type of development, they will usually be needed before a development can be completed and occupied.

The list is not comprehensive. Rather, it is an information tool, designed to suggest the wide range of approvals that may be required. Only a few of the approvals or reviews listed will be needed for any particular application.

A. Agencies

Bell Canada: Agreement relating to telephone service.

Canada Post: Agreement required on the type of communal delivery in new development. Refer to Canada Post's manual, Planning for Postal Service.

Conservation Authorities: Fill permits; some delegated MOEE approvals.

County or region: Setbacks and traffic impact.

Gas company: Hook-ups.

Hydro: Review of plans to ensure that adequate provision has been made for hydro facilities (such as transformers).

Municipal licensing: Institutional, commercial and industrial operations may have to meet municipal licensing requirements.

Ontario New Home Warranty Program: A developer or vendor of new homes for sale must register with this program. For condominiums, registration is required 30 days prior to construction and/or marketing; for all other homes, upon issuance of a building permit.

Public health unit: Septic tank design and approval, or inspection. Many types of institutions and commercial and industrial establishments may need to meet special health unit requirements relating to matters such as food preparation areas or waste disposal.

Public Works Canada: Navigable waterways, road allowances at shoreline.

Transit authority: Location of stops.

B. Municipalities

Although the municipality may have been involved throughout the planning approval process, that does not mean all licences or other approvals have been given. The municipality may have to be consulted about many specific issues.

The following table of contents from the City of Toronto's new Development Approval Manual provides an example of the wide range of municipal and municipal agency approvals required in an urban municipality. This list is long. Fortunately, only a few items might apply to an application. Check with the local municipality.

City of Toronto Approvals (An Example of Required Approvals)

Building and Inspections Department Processes

- Building permit
- Demolition permit
- Heating and plumbing permits
- Public health department clearance
- Rooming house licence
- Sign permit
- Solicitors' clearance letters

Committee of Adjustment

- Legal non-conforming use (expansion or change)
- Lot severance
- Minor variance

Other Municipal Agencies

- Applications which involve heritage properties
- The Toronto Historical Board and Heritage Properties
- Metro Toronto and Region Conservation Authority
- Metro Toronto street permits

Metro Toronto streets: setbacks and traffic impact studies
Location of Metropolitan streets in the City of Toronto
Toronto Transit Commission clearance

Planning and Development Department Processes

Condominium plan approval
Interim control by-law
Official Plan amendment
Payment in lieu of parking
Ravine control
Rental Housing Protection Act
Rezoning
Signs: minor variances
Site-plan approval

Department of Public Works and the Environment Processes

Boulevard café licence
Boulevard parking licence
Construction within the street allowance permit
Drain and water installations
Driveway/curb cut permit
Driveway parking/widening
Encroachments
Fences
Front yard parking permit
Municipal numbering
Shoring piling permits (within the street allowance)
Street/lane closing (permanent)
Temporary occupation permit (in the street allowance)

Additional Requirements of Developments Subject to Official Plan Amendment, Rezoning and/or Site Plan Approval Processes

Access for the disabled and elderly
Air quality plan
Energy efficiency and conservation plan
Material recovery and waste reduction plan
Noise impact plan
Public art plan
Safety: planning and designing safer urban environments
Soil management plan
Transportation demand management plan
Tree planting, removal and replacement
Urban design guidelines for specific areas
Water efficiency and conservation plan

Fees, Levies, Charges

Fee schedule

Development Charges Act

Parks levy

Sewer impost charges

Appendix

C. Ministries

Most aspects of ministry approvals are covered in Appendix D, Summary of Provincial Issues and Required Studies. A few issues that are not covered and should be mentioned are:

MMA:

Letters of conformity to the zoning in unorganized areas of the North.

Validation of title, under Section 57 of Planning Act (may be delegated in future for some areas).

Power of sale/foreclosure, under Section 50(18) of the Planning Act (may be delegated in the future in some cases).

Road closing or widening approvals under Sections 297 and 305 of the Municipal Act.

MNR:

Permits for any work affecting beds of lakes and rivers, or to dredge or add material to a shoreline.

MOEE:

Water-taking permits, industrial discharges.

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Afterword

This edition of the Guide to Provincial Planning Applications, which you have just completed reading, is the first edition to be made available to a wide audience. The information contained in the Guide is subject to change as new policies are approved, and procedures and practices improve. Please use this as a working document, and we suggest you check every six months to be sure you are using the most up to date version. In particular, the new official plan amendment and subdivision/condominium application forms are subject to regular revision and improvement. To be sure, call:

Office of the Provincial Facilitator: (416) 585-7474

We welcome your comments for further improvement both to the system and to the Guide.

Forms

- 1 Official Plan Amendment Form**
- 2 Subdivision and Condominium Application Form**
- 3 Application for Consent Form**
- 4 Minister's Zoning Order Amendment Form**

Revised September 20, 1993

MMA File No.:

For Provincial Use Only

Official Plan Amendment Form

To be completed by Municipalities when submitting an OPA to the Province for approval.
Please refer to the **Guide to Provincial Planning Applications** when filling out this form.

1) General

- 1.1) Municipality: 1.2) OPA No.:
- 1.3) Lot and concession, street address or other description of land affected:
- 1.4) Existing Official Plan designation:
- 1.5) Existing Land Use:
- 1.6) Purpose of Amendment:
- 1.7) Date Adopted by Council:
- 1.8) Date of Public Meeting:

2) Contact Information

- 2.1) Who is the main Municipal or Planning Board contact for this OPA (e.g., Planner, Municipal Consultant):
- | | | |
|------|---------|-----------|
| Name | Address | Phone/Fax |
|------|---------|-----------|
- 2.2) Please name any other municipal staff who we may have to contact on this application:
- | | | |
|------|---------|-----------|
| Name | Address | Phone/Fax |
|------|---------|-----------|

Official Plan Amendment Form

- 2.3) If this Amendment is required to permit a specific development, then please provide the following additional information on the applicant:

	Name	Address	Phone/Fax
Applicant:	_____	_____	_____
Registered Owner:	_____	_____	_____
Project Coordinator*:	_____	_____	_____
Other Consultants	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

* Please ask the applicant to use the same Project Coordinator for any subdivision or condominium application.

3) Concurrent Applications

- 3.1) Is your municipality considering any other planning applications, e.g., subdivision/condominium plan, rezoning, site plan approval for the area covered by this Amendment? Yes ____ No ____
- 3.2) If YES, please list applications under consideration, Ministry file number, land affected, purpose, and stage in the process, and explain how they relate to this application. Attach an additional sheet or maps, if required.

- 3.3) Is your municipality considering any other Official Plan Amendment or other planning application that has a bearing on this amendment or that is adjacent to this Amendment? Yes ____ No ____
- 3.4) If YES, please list OPAs and planning applications under consideration, application number, land affected, purpose, and stage in the municipal process, and explain how they relate to this application. Attach an additional sheet or maps, if required.

4) Municipal Approval Information

All of the following information **must** be attached:

- | | |
|---|----------|
| 4.1) Planning report attached | Yes ____ |
| 4.2) Certified copy of by-law adopting the OPA and council minute | Yes ____ |
| 4.3) A copy of all submissions and comments and accompanying material | Yes ____ |
| 4.4) Employee statement regarding notice and the public meeting | Yes ____ |
| 4.5) Text of OPA and any schedules (1 original, 2 duplicates and 20 working copies) | Yes ____ |
| 4.6) Minutes of the Council Meetings and the public meeting | Yes ____ |
| 4.7) Other reports (please list): | Yes ____ |

Official Plan Amendment Form

5) Compatibility with Provincial Interests

Each of the topics below that applies, or might appear to apply, to this Amendment should be discussed in a planning report. The form asks you to state where in the report the issue is discussed. If a special report has been prepared on a particular topic, e.g., noise, please attach the report to this submission. Before preparing the planning report(s), please read the **Guide to Provincial Planning Applications**.

Note: This form will be used to stream applications for processing. It is important to know how far away problem uses or constraints are from the area of the OPA. Please be as clear as possible.

Every line of this table must be completed.

Planning Information	Does or may apply Yes/No	Planning Report page or Report name
5.1) Compatibility with the Official Plan		
1) Compatibility with Official Plan policies, goals and objectives (both the local and upper tier municipality, if applicable)	Yes	
5.2) Agricultural Lands		
1) Agricultural Lands		
5.3) Community Development		
1) Community Amenities, including school sites		
2) Cultural heritage, including archaeological sites, heritage buildings and landscapes, and cemeteries		
3) Design, especially innovative or reduced development standards		
4) Growth and settlement issues, e.g., expansion of urban boundaries, development outside settlement areas		
5) Housing: provision of affordable housing		
6) Public transportation, walking and cycling		
7) Roads and access		
5.4) Natural Heritage and Related Issues		
1) Environmentally Sensitive Areas (ESAs) and Areas of Natural and Scientific Interest (ANSIs)		
2) Plant and wildlife habitats		
3) Topsoil management		
4) Waterbodies and fish habitat		
5) Wetlands		
6) Woodlands		

Official Plan Amendment Form

Planning Information	Does or may apply Yes/No	Planning Report page or Report name
5.5) Non-Renewable Resources		
1) Mineral aggregates		
2) Petroleum and non-aggregate minerals		
5.6) Public Health and Safety		
1) Air quality/odours, particulates and noise		
2) Contaminated Soils		
3) Flood Plains		
4) Problems due to former uses (landfills, disused mines, etc.)		
5) Railways		
6) Unstable lands		
5.7) Regional Issues		
1) Aboriginal land claims/self government negotiations		
2) Niagara Escarpment		
3) Oak Ridges Moraine		
4) Parkway Belt West Plan		
5) Other, e.g., Lake Simcoe Basin, Rouge Valley		
5.8) Servicing and Related Issues		
1) Municipal/provincial sewage and water systems ¹		
2) On-site sewage disposal ²		
3) Stormwater management		
4) Water supply ²		

¹ The municipality must confirm that sewage and water capacity is available and has been allocated to this development, in accordance with MOEE guidelines.

² If private wells or on-site sewage disposal is proposed, the following section on servicing must be completed.

Official Plan Amendment Form**6) Private Wells and On-Site Sewage Disposal**

Type	Yes/No	Studies required within this submission	Attached
6.1) Residential use only, fewer than six lots averaging at least one hectare each on individual wells and/or septic		No studies required	
6.2) Residential development on individual wells and/or septic not covered in 6.1.		A Servicing Options Report must be attached	
6.3) All other development on private sewage or water, including communal systems		A Servicing Options Report and a statement of the municipality's willingness to assume ownership must be included with this application.	

7) Information for Official Plan Amendments that originated with an application for a development proposal

(Do not complete for policy based or area wide OPA's)

Land Uses for the Site and Surrounding Area

7.1) What was the previous use of the property?

7.2) Sub-surface Rights

Are the sub-surface rights and the surface rights to the property held by the same owner? Yes ____ No ____

If the answer is NO, who owns the sub-surface rights?

7.3) Contaminated soils

1) Has there been industrial use of the site? Yes ____ No ____

Has there been filling on the site? Yes ____ No ____

2) Is there reason to believe the site may have been contaminated by former uses on the site or adjacent sites?

Yes ____ No ____

If YES to any of the above, then a study showing all former uses of the site, or if appropriate the adjacent site, confirmed by the municipality, is required. This study must be prepared by a qualified consultant.

Report attached YES ____

7.4) Airport

1) Is there an airport nearby? Yes___ No___ If YES, answer the following questions:
Distance from site? _____meters

2) Does the application include any of the following uses: residential, passive use park, school, library, church, theatre, auditorium, hospital, nursing home, camping or picnic area? If so, is the site:

a) between the 28 and 35 NEF/NEP contours? Yes___ No___

b) at or above the 35 NEF/NEP contours? Yes___ No___

If YES, the application will **NOT** be approved.

3) Is the application for any of the following uses: Hotel, motel, retail or service commercial, office, athletic field, playground, stadium or outdoor swimming pool, and is the NEF/NEP contour greater than 30? Yes___ NO___

If YES, a noise feasibility study is required.

Report attached YES___.

4) Is the application for industrial, warehousing, arena, general agriculture, animal breeding, and is the NEF/NEP contour greater than 35? Yes___ NO___

If YES, a noise feasibility study is required.

Report attached YES___.

7.5) Industrial Uses

For questions 7.5.1, 7.5.2, and 7.5.3 only, sensitive uses include residences, schools, hospitals, senior citizens homes, environmentally sensitive areas and other similar uses.

1) Is the application for a light industrial use closer than 60 meters to a sensitive use or zoning/official plan designation that permits such uses? Yes___ No___

2) Is the application for medium or heavy industrial uses within 300 meters of a sensitive use or zoning/official plan designation that permits such uses? Yes___ No___

3) Is the application for a sensitive use:

a) within 60 meters of light industrial use or zoning/official plan designation that permits such uses?
Yes___ No___

b) within 300 meters of medium or heavy industrial uses or zoning /official plan designation that permits such uses?
Yes___ No___

7.6) Is the application on private services (sewage and water) and adjacent to a water body? Yes___ No___

7.7) Does the application propose lake filling? Yes___ No___

Official Plan Amendment Form
7.8) On-Site or Adjacent uses within 500 meters

Please fill in the following table and attach all required studies. The uses listed below are ones which may require special treatment. For more information, please refer to the **Guide to Provincial Planning Applications**.

	Use on-site or within 500 meters	YES on-site	YES Off-site How close?	NO	Action required
A	abattoirs				Residential and other sensitive uses will require a separation distance.
B	active railway lines (except minor branch lines)				If within 50 metres, a feasibility study (noise, safety, etc.) is required now. Report attached Yes ____
C	agriculture				Residential and other sensitive uses may require a separation distance.
D	all controlled access highways or freeways, including designated future ones				If within 50 metres, a noise study is required now. Report attached Yes ____
E	crown lands				
F	landfill/dumps, open or closed				Study may be required now.
G	pit site for sand, gravel, clay, etc.				
H	provincial parks				
I	provincial highway				If access is from the highway, a traffic management study is usually required.
J	quarry open or closed				
K	sewage treatment plant				Residential and other sensitive uses will require a separation distance. Note here the capacity of the plant: _____cubic meters/day
L	waste stabilization plant				Residential and other sensitive uses will require a separation distance.

8) Circulation of Draft OPA by the Municipality

Please list the Ministries and agencies to which this OPA has been circulated and include their response, if available. Please supply the name and phone number of the ministry/agency contact and a description of how the response was handled by your municipality.

Ministry or agency Include where available the name and phone number of the ministry/agency contact	Response received		Response attached	Explanation of how response was handled (report name and page)
	Yes	No		

9) Other Information

Is there any other information that you think may be useful to the Province in reviewing this application? If so, please explain on the other side of this sheet.

This application has been completed accurately to the best of my knowledge.

_____ (signature)

_____ (name in capitals)

Chief Planner or Municipal Clerk _____ (municipality)

_____ (date)

Revised September 27th, 1993

Subdivision and Condominium Application Form

for applying for approval under Section 51 of the Planning Act and under Section 50 of the Condominium Act.

Please read the **Guide to Provincial Planning Applications** before filling out this form.

1) A Complete Application includes the information listed below.

If this information which is needed to review the application is not submitted with the application form, it will be returned to the applicant. Please provide:

Attached

- 1.1 ___ 10 copies of the completed application form and declaration.
- 1.2 ___ 25 copies of the draft plan and required maps. For large or complicated subdivision applications, 35 copies are recommended. (See section 9 of the application form.)
- 1.3 ___ 1 copy of each plan or map on an 8 1/2" by 11" sheet of paper.
- 1.4 ___ Official Plan Amendment/Servicing form completed by the municipality. (See Attachment 1 of the application form)
- 1.5 ___ 5 copies of all supporting technical and background information reports shown as required by this application form (this varies with the type and circumstances of an application).

Please list here the reports or studies that accompany this application and supply 5 copies.

2) Location of Lands

- 2.1 County/Region/District _____
 - 2.2 Local Municipality/Unorganized Territory _____
 - 2.3 Lot # _____ Concession # _____
 - 2.4 Street address(if appropriate) _____
 - 2.5 Is this a resubmission of a previous application? Yes ___ No ___
- If YES, give previous Ministry of Municipal Affairs file application number _____

Subdivision and Condominium Application Form

3) Applicant Information

3.1 Complete the information below and indicate one contact as the Application Co-ordinator. All communications will be directed to the Application Co-ordinator.

Name	Address	Phone/Fax
Registered Owner(s) _____	_____	_____
_____	_____	_____
Applicant(s) _____	_____	_____
_____	_____	_____
Agent _____	_____	_____
_____	_____	_____
Ont. Land Surveyor _____	_____	_____
_____	_____	_____

3.2 Which of the above is the Application Co-ordinator? _____

4) Proposed Land Use

4.1 Is this application for: a subdivision Yes ____ No ____
a condominium Yes ____ No ____

4.2 Please fill out the table below:

Proposed Use	Number of units or dwellings	Lots and/or Blocks as labelled on the draft plan	Area (ha)	Density (units/ha)	Number of parking spaces
Single, Detached Residential					1
Double, Semi detached Residential					1
Row, Multiple attached Residential					
Apartment Residential - less than 2 bedrooms - 2 bedrooms or more					
Seasonal Residential (cottage or chalet)					
Mobile home Residential					
Other Residential (specify)					
Commercial					
Industrial					
Park, Open Space	nil				
Institutional (specify)					
Roads	nil				
Other (specify)					
TOTALS		---			

¹ not required except for condominiums

5) Status of Planning Approvals

5.1 An Official Plan/Servicing Form (see Attachment #1) completed by the Municipality must be attached to this application.
Yes, attached _____

If an Official Plan Amendment is required, it must have already been received by the Ministry, otherwise this application will be returned as premature.

5.2 If this subdivision application relates to an Official Plan Amendment currently under review by the Ministry of Municipal Affairs, please indicate the Amendment No. and the Ministry file No. _____

5.3 Is the land covered by a zoning by-law or by a Minister's zoning order?

Yes _____ No _____

If YES, what is the zoning of the subject lands? _____

If there is a zoning order, please give the Ontario Regulation No. _____

5.4 Does the proposal for the subject lands conform to the existing zoning? Yes _____ No _____

If NO, have you made an application for rezoning? Yes _____ No _____

Additional Information for Condominium Applications Only:

5.5 Has the municipality reviewed a site plan? Yes _____ No _____

5.6 Has a building permit been issued? Yes _____ No _____

5.7 Is the proposed development under construction? Yes _____ No _____

5.8 Has the proposed development been completed? Yes _____ No _____

If YES, date of completion _____

5.9 Is this a conversion of an existing building? Yes _____ No _____

Does the building contain any rental residential units? Yes _____ No _____

If this building does contain residential units, then this application must be submitted to the local municipality, **not** the Province.

Subdivision and Condominium Application Form

6) Affordable Housing Information

6.1 **INSTRUCTIONS:** For applications that include permanent housing (i.e. not seasonal), fill in the form below. For each type of housing and unit size, complete the rest of the row.

For example: Semi detached - 10 units; 1000sq. ft.; \$95,000-\$105,000; ownership; 100% 20 units; 1200sq. ft.; \$110,000-\$120,000; ownership; 50%						
Housing Type	# of Units	Unit Size (sq. ft.)	Estimated Price/Rent per month	Tenure	% of Affordable Units	Ministry use only
Single Detached						
Link/Semi Detached						
Row or Townhouse						
Apartment Block						
Other Types or Multiples						

Notes:

- 'Tenure' means ownership (freehold/condominium/cooperative), market rental, assisted rental.
- If there are more than three unit sizes and price/rents within each housing type, attach this information in a similar form. If only the lot is to be sold, indicate its estimated market value.
- Affordable units is the housing which would have a market price or rent that would be affordable to households within the lowest 60 percent of income distribution for the Housing Region. For assistance, refer to the Annual Information Bulletin, Land Use Planning for Housing Policy Statement, Income and Affordable Housing Price Data.
- Estimated price/rent should be calculated at today's market value.

6.2 How will this application contribute to the affordable housing stock in the municipality? (Indicate targeted housing needs groups.)
If it does not, why not?

Subdivision and Condominium Application Form

7) Servicing

Service Type	Yes/No	Studies required now	Attached
Water Supply and Sewage			
Public Services			
7.1 municipal sewers		Appendix 1 must be completed	
7.2 municipal piped water		Appendix 1 must be completed	
Private Services: a servicing options report will be required for six or more lots/units if the municipality has not addressed the issue in its Official Plan/or a servicing options report.			
7.3 Wells &/or septs for a residential subdivision only, with five or fewer lots (or units) averaging at least one hectare each		none (hydrogeological study may be requested by the health unit)	
7.4 Wells &/or septs for a residential subdivision only, with six or more lots (or units) averaging one hectare each		a justification study required including information on known water quality problems, depth of overburden, and soil types	
7.5 Any development on individual private services not covered in 7.3 and 7.4		a hydrogeological study	
7.6 Development on private (not municipally owned) communal systems		a hydrogeological study and a report on the municipality's willingness to assume ownership	
Storm Drainage			
7.7 sewers		none (a storm water management study will be required later, usually as a condition of draft approval)	
7.8 ditches, swales			
7.9 other			
Solid Waste			
7.10 municipal garbage collection		none	
7.11 other		describe here	
Roads & Access			
7.12 public road		none now, traffic management study may be required later.	
7.13 private road		not usually permitted	
7.14 water access		note here location of nearest public docking, launching, and parking, and ownership (e.g., municipal, C.A., MNR). Attach report from owner on capacity to service traffic from this application.	

Subdivision and Condominium Application Form

8) Mapping Information Requirements

- legend
- map scale
- boundary of property to be subdivided
- north marker
- lot and concession/registered plan number/ street address
- date plan prepared and date of any revisions
- name of person or firm who prepared the plan

Attach:

a) 25 copies of a draft plan of subdivision showing:

- the boundaries of the proposed subdivision certified by an Ontario land surveyor ☐
- owner's name, signature and date of signature¹ ☐
- Ontario land surveyor's name, signature and date of signature ☐
- dimensions and layout of the proposed lots and blocks, including walkways, school sites, park lots if any ☐
- proposed use including maximum number of units by type for each lot and block ☐
- existing land use on the site and adjacent lands ☐
- natural and artificial features within or adjacent to the property:
 - existing buildings and structures to be retained or demolished ☐
 - active or inactive railways, rail rights-of-way ☐
 - highways and other roads - existing/proposed, public/private, open/closed location, width, and names ☐
 - watercourses (lakes, streams, ponds, wetlands, etc) ☐
 - flood plains/flood elevations ☐
 - woodlands ☐
 - significant plant and wildlife habitat (including ESA's & ANSI's) ☐
 - drainage courses, retention ponds (natural or man-made) ☐
 - archaeological or historic features ☐
- contours and elevations ☐
- soil type (including porosity) ☐
- existing services where information is readily available from the municipality or service agency:
 - waterlines and sewer ☐
 - main hydro lines ☐
- domestic water supply (if not municipal water) ☐
- restricted covenants and easements affecting the site ☐

b) 25 copies of a key map at a scale of not less than 1:1000 showing:

- all adjacent land owned by the applicant or in which he/she has an interest ☐
- all subdivisions adjacent to the proposed subdivision ☐
- boundaries of the proposed subdivision and boundaries of the township lots or original grants that include any part of the proposal ☐

Sites noted in Sections 9 and 10 should be shown on these plans or a separate map

¹ All registered owners must sign. If there is more than one owner, a letter of authorization is necessary allowing one person to act on behalf of the others. If any registered owner fails to sign or provide authorization, the application will be considered incomplete and returned.

9) Site and Adjacent Features/Constraints -

How the Proposed Plan addresses them

- 9.1 The following features are matters of provincial interest and/or relate to Provincial Policy Statements. Please indicate if they are on the subject property or abutting property and explain how they have been incorporated and /or addressed in the development plan in attached technical/background report(s). Please indicate the page number or section in the report(s) where each issue is addressed. (See Appendix D of the **Guide to Provincial Planning Applications**)

Features of the Property and Surrounding Area

	Features/Constraints of the site or abutting lands	Reasons for Provincial Concern	YES on-site	YES off-site indicate # of metres away	NO	Reference report and page number/ section where concerns are addressed
a	Agricultural land (within 300m)	Foodland preservation, agricultural capability, land use conflict				
b	Cultural heritage e.g. archaeological sites or heritage buildings	Heritage preservation				
c	Flood Plain: regulatory floodline (1 and 2 zone), or flood special policy areas	Flood				
d	Unstable Lands e.g. Karst topography	Safety, erosion, construction methods				
e	Environmentally Sensitive Areas/Areas of Natural & Scientific Interest	As defined in Official Plan, or by MNR, protection, land use conflict				
f	Plant and wildlife habitat (significant)	Wildlife preservation, rare or endangered species, land use conflict				
g	Waterbodies (lake, creek, stream, pond, river, etc.) and fisheries	Water quality, aquatic, ecosystem preservation, flooding protection				
h	Wetlands (bog, swamp, etc.)	Protect Provincially Significant Wetlands, Preservation				
i	Woodlands	Preservation				

Subdivision and Condominium Application Form

	Features/Constraints of the site or adjacent lands	Reasons for Provincial Concern	YES on-site	YES off-site indicate # of metres away	NO	Reference report and page number/ section where concerns are addressed
j	Petroleum and non-aggregate mineral resources	Supply, minimize social/env. impacts				
k	Aggregates: deposits, extraction	Long term supply, minimize social/env. impacts				
l	Area of Aboriginal Land Claim or Negotiations	Aboriginal and treaty rights				
m	Niagara Escarpment Plan Area	Niagara Escarpment Plan, preservation of natural features				
n	Oak Ridges Moraine within the Greater Toronto Area	Preservation of natural features				
o	Parkway Belt West Plan Area	Preservation				
p	Other regional issues e.g. Lake Simcoe Basin					

10) Land Uses for the Site and Surrounding Area

10.1 What was the previous use of the property?

10.2 Airport

1) Is there an airport nearby? Yes____ No____ Distance from site? _____meters

If YES, answer the following questions:

2) Does the application include any of the following uses: residential, passive use park, school, library, church, theatre, auditorium, hospital, nursing home, camping or picnic area? If so, is the site:

a) between the 28 and 35 NEF/NEP contours? Yes____ No____

b) at or above the 35 NEF/NEP contours? Yes____ No____

If YES, the application will **NOT** be approved.

3) Is the application for any of the following uses: Hotel, motel, retail or service commercial, office, athletic field, playground, stadium or outdoor swimming pool, and is the NEF/NEP contour greater than 30? Yes____ No____

If YES, a noise feasibility study is required. **Report attached YES**_____.

Subdivision and Condominium Application Form

4) Is the application for industrial, warehousing, arena, general agriculture, animal breeding, and is the NEF/NEP contour greater than 35? Yes____ No____

If YES, a noise feasibility study is required. **Report attached YES**_____.

10.3 Contaminated soils

1) Has there been industrial use of the site? Yes ____ No ____

Has there been filling on the site? Yes ____ No ____

2) Is there reason to believe the site may have been contaminated by former uses on the site or adjacent sites?

Yes____ No____

If YES to any of the above, then a study showing all former uses of the site, or if appropriate the adjacent site, confirmed by the municipality, is required. This study must be prepared by a qualified consultant. **Report attached YES**_____

10.4 SubSurface Rights

Are the sub-surface rights and the surface rights to the property held by the same owner? Yes____ No____

If the answer is NO, who owns the sub-surface rights?_____

Please have the owner complete the declaration on p. 11

Subdivision and Condominium Application Form

10.5 On-Site or Adjacent uses within 500 meters

Please fill in the following table and attach all required studies. The uses listed below are the ones which may require special treatment. For more information please refer to the **Guide to Provincial Planning Applications**.

	Use on-site or within 500 meters	YES On-site	YES Off-site How close?	NO	Action Required
a	abattoirs				residual and other sensitive uses will require a separation distance
b	active railway lines (except minor branch lines)				if within 50 metres a feasibility study (noise, safety, etc.) is required now. Report attached Yes ____
c	agriculture				residential and other sensitive uses may require a separation distance
d	all controlled access highways or freeways, including designated future ones				if within 50 metres a noise study is required now. Report attached Yes ____
e	crown lands				
f	landfill/dumps, open or closed				
g	pit site for sand, gravel, clay, etc.				
h	provincial parks				
i	provincial highway				if access is from the highway, a traffic management study is usually required
j	quarry open or closed				
k	sewage treatment plant				residential and other sensitive uses will require a separation distance. Note here the capacity of the plant: _____ cubic meters/day
l	waste stabilization plant				residential and other sensitive uses will require a separation distance

10.6

- 1) Is the application on private services (sewer and water) and adjacent to a waterbody? Yes ____ No ____
- 2) Does the application propose lakefilling? Yes ____ No ____

Declaration

This must be completed by the Applicant for the proposed development site.

I, _____ of the _____ (name of City, Town, Township, etc.) in the Region/County/District of _____ solemnly declare that all of the statements contained in the application for a plan of subdivision or plan of condominium for _____ (property description) and all the supporting documents are true and complete, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and virtue of the "Canada Evidence Act".

Declare before me at:

_____ (municipality) in the County/District
of _____
this _____ day of _____, 199__.

Commissioner of Oaths

Applicant

Owner's Authorization if the owner is not the Applicant

If the owner is not the applicant, the owner must also complete the following:

I, _____ of the _____ (name of Town, Township, etc.) in the County/District of _____ solemnly declare that _____ (name) is authorized to prepare and submit a plan of subdivision/condominium for approval, and that to my knowledge all of the statements contained in the application for a plan of subdivision or plan of condominium for _____ (property description) and all the supporting documents are true and complete, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and virtue of the "Canada Evidence Act".

Declare before me at:

_____ (municipality) in the County/District
of _____
this _____ day of _____, 199__.

Commissioner of Oaths

Owner

Authorization from the Owner of the Subsurface Rights if different from the Owner above

I, _____, owner of the subsurface rights for the subject property, am aware of this application and consent to it.

_____ (signature) _____ (date)

_____ (address, phone number)

Attachment #1

Municipal Official Plan/Servicing Form

This form is to be filled out by the municipality /planning board. The applicant must attach this form to the concurrent Subdivision and Condominium application.

A) Subdivision/Condominium Information

Applicant's Name _____
Lot Number _____ Concession Number _____ Street address _____
Proposed Use _____ Number of Lots _____
Draft plan number(s) _____
Date of plan and latest revision _____
Name of person or company that prepared the plan _____

B) Official Plan Status

- 1) Does this subdivision/condominium application conform to the Official Plan? Yes ____ No ____
- 2) If Council has adopted an associated Official Plan Amendment that relates to this subdivision/condominium application, please provide: adopting By-law Number _____ Official Plan Amendment Number _____
- 3) If the Amendment is in process:
What is the Ministry File Number? _____

C) Zoning By-law Status

- 4) Does the subject property need to be rezoned to accommodate the proposal? Yes ____ No ____
- 5) Has a zoning by-law amendment or zoning order amendment application been made? Yes ____ No ____
If YES, what is its status? (Include Ministry file number for zoning order amendment) _____
- 6) If a by-law has been adopted, please give the by-law number (or Ontario Regulation number) _____
- 7) Have any appeals been lodged? Yes ____ No ____
If YES, please attach a short note describing the reason for appeal or a copy of the appeal(s) _____

D) Servicing

- 8) Does your municipality have a servicing plan? Yes ____ No ____
If YES, does this proposal fit the servicing plan? Yes ____ No ____
- 9) What is the existing unassigned capacity of a) the sewage treatment plant? _____
b) the water treatment plant? _____

10) If the application is proposed on municipal services,

a) Is there sewer and water capacity for this application? Yes ☐ No ☐

b) Is there sewer capacity for this application? Yes ☐ No ☐

c) Is this answer based on sewer capacity calculated in accordance with MOEE guidelines? Yes ☐ No ☐

Comments:

If there is inadequate capacity, are there any remedial measures or plans to upgrade the sewage or water system that would accommodate this development? Yes ☐ No ☐ If YES, explain:

11) Is this the only subdivision/condominium application that could potentially use this capacity? Yes ☐ No ☐

If NO, list others, including ministry or municipal file numbers.

Is there sewage capacity for all these applications? Yes ☐ No ☐

12) If the proposed plan is to be serviced by a communal system, is the municipality prepared to accept ownership of the system?

Yes ☐ No ☐

If YES, explain the conditions that would have to be met, if known at this time.

13) Is there existing landfill site capacity? Yes ☐ No ☐

If NO, are there alternatives? Explain.

14) Is there municipal or provincial public road access? Yes ☐ No ☐

E) Housing (only complete if housing is proposed)

Does the municipality have a Municipal Housing Statement? Yes ☐ No ☐

If YES, does this application comply with the statement? Yes ☐ No ☐

F) Parkland Dedication

Is there a parkland dedication requirement for this proposal? Yes ____ No ____

If YES, check which apply:

Land _____, Cash-in-Lieu _____, 5% _____, 2% for commercial/industrial lands _____, other _____.

If OTHER, please explain:

G) Municipal Consultation

Has this plan of subdivision/condominium been presented to Council? Yes ____ No ____

If YES, please attach a copy of the Council minutes for the item.

H) Other Information

Is there any other information that you would like to share with the Province that would assist in the processing of this application?
Please describe below.

(signature)

Dated

Chief Planner or Clerk (name and position printed)

Municipality or Planning Board

Q&A**TIPS THAT
CAN HELP****APPLYING FOR A
CONSENT
TO CREATE A NEW LOT?**

If you're applying for consent to create a new lot, here are some tips to help you.

**IS THERE AN OFFICIAL PLAN FOR
YOUR AREA?**

Official plans are local land use planning documents adopted by a local municipality or planning board and approved by the province.

They reflect provincial and local planning issues and, among other things, establish policies for lot creation.

If your area has an official plan, your proposed lot must conform to its requirements.

**IS THERE A ZONING ORDER OR
ZONING BYLAW FOR YOUR AREA?**

Local zoning bylaws or zoning orders may exist in your area. They set out specific requirements for new development (eg. minimum lot size, frontage, acceptable access etc.).

Your proposed new lot must conform to any zoning controls.

Your municipal Clerk, Planning Board Administrator or staff at the Ministry of Municipal Affairs Plans Administration Branch, North and East or local Field Management office can help you interpret your local official plan and zoning bylaw or zoning order.

IS CONSENT THE WAY TO GO?

Generally, the creation of new lots by consent may be considered where:

- only one or two are proposed;
- no more than two lots have been severed from the parcel since 1970, when approval of lot creations became mandatory;
- the new and remaining lot will have direct access to an existing publicly-owned and maintained road;
- extensions of municipal or communal sewer or water services are minor and can be done at no cost to your local municipality

**WHERE CAN NEW LOTS BE
CREATED?**

Generally, only limited development is permitted in rural areas. This helps protect the natural environment and character of rural areas and also discourages the inefficient provision of services.

New lots created for permanent, year-round use should be located in existing, built-up areas.

If your area is not municipally organized, industrial or commercial lots can only be created on or near a natural resource if they are dependant on that natural resource. For example, a small resort or campground next to a lake might be permitted. However, related uses, such as residential lots to house employees, would have to be located in nearby municipalities.

All new lots must be suitable for their intended use. For example, new lots must be large enough to accommodate the proposed building and all servicing requirements.

Q&A

WHERE CAN'T NEW LOTS BE CREATED?

Generally, lots cannot be created on provincially significant wetlands, prime agricultural lands, lands containing mineral aggregate resources, hazardous lands such as steep slopes or where fish or wildlife habitats will be disturbed.

In areas without municipal organization, seasonal lots usually cannot be created in areas where there is potential for conversion to year-round use.

New lots cannot be created where they are not compatible with surrounding land uses. For example, a new lot for a house probably would not be permitted next door to a factory or a waste disposal site.

WHAT KIND OF ACCESS DO NEW LOTS NEED?

Any new lot must provide safe, long-term access for all vehicles, including service and emergency vehicles.

Generally, this means:

- lots should be located on publicly-owned roads which are maintained year round;
- a limited number of seasonal residential lots on private roads may be considered, on an infill basis, provided they won't be converted to permanent residential use and they have registered rights-of-way with direct access to a public road;
- water access may be acceptable for cottage lots if the lots are on an island or in a remote location, where future demand for road access is not anticipated; lots should be located within a reasonable distance to publicly-owned and maintained parking, docking and boat launching facilities.

WHAT KIND OF SERVICES DO NEW LOTS NEED?

In general:

- where municipal sewer and water services exist, lots should hook into that service;
- where municipal services cannot be provided, municipally-owned communal services are preferred;
- in other areas, a new lot must be acceptable for the installation of a septic tank and tile bed system and wells;
- lake water for cottage lots may be permitted, subject to the approval of the Ministry of the Environment and Energy.

These tips are intended as a guide to help you decide if your proposed lot might qualify for a severance through the consent application process. There are other factors which may be considered in assessing your application for consent.

Staff at the Ministry of Municipal Affairs Plans Administration Branch, North and East, are available to help you. Please call (416) 585-6014 and ask to speak to the area planner responsible for your area.

Information may also be obtained by calling one of the field offices listed below:

Sudbury (705) 560-0120
North Bay (705) 476-4300
Thunder Bay (807) 475-1651



Ministry of
Municipal
Affairs

Ontario



**Application for Consent
Under Section 53 of The Planning Act**

The undersigned applies to the Ministry of Municipal Affairs for consent to convey or grant an interest in land as set out below.

Note: This application consists of Part "A" and Part "B". To avoid delays, the information on both parts **must be complete and accurate**.
Incomplete applications will be returned. All applications must be signed.
Metric units should be used. Please check (✓) appropriate box.
Please Print.

Mail 10 copies of this form to:
Ministry of Municipal Affairs
Plans Administration Branch
777 Bay St., 14th Floor
Toronto, Ontario M5G 2E5

Part A

1a. Names

Registered Owner

Address

Telephone No.

Home

Postal Code

Business

Authorized Agent or Solicitor

Home

Postal Code

Business

1b. i. All correspondence should be sent to (one only)

☐ Owner

☐ Agent

ii. Who can be contacted during the day for further information?

☐ Owner

☐ Agent

2. Location of Property

Municipality/Unorganized Township

Concession Number

Lot(s) Number(s)

Registered Plan Number

Lot(s)

Reference Plan Number

Part(s)

Parcel Number

Geographic or Former Township

Section Number

Mining Location No.

District

3a. Name of person(s) (purchaser, lessee, mortgagee) to whom land or interest in land is intended to be conveyed, leased or mortgaged.

Purpose of Consent

☐ New Lot(s)

☐ Easement or Right of Way

☐ Mortgage Discharge

☐ Lot Addition

☐ Title Correction

☐ Other _____

4a. Is this consent currently the subject of

☐ Official Plan Amendment

☐ Zoning Amendment

☐ Not Applicable

4b. How was present lot created?

Date Created
D M Y

☐ Consent

☐ Plan of Subdivision

☐ Original Patent

☐ Reference Plan

☐ Other

* Please submit copy of registered subdivision plan or reference plan.

4c. Were previous consents granted from the original holdings? ☐ Yes ☐ No

If "Yes", please indicate number, dates created and relevant Ministry file number.

4d. Is this a resubmission of an earlier proposal? ☐ Yes ☐ No

If yes, please indicate Ministry File Number _____

5. Description of Property as Shown on Sketch

	Severed	Retained
Frontage (m.)		
Depth (m.)		
Area (ha.)		

6. Use of Property

	Severed	Retained
Existing Use		
Proposed Use		

7. Buildings (Please Include Description, Dimensions, and Dates of Construction)

	Severed	Retained
Existing		
Proposed		

8. Servicing - Road Access

		Severed	Retained
a. Ownership:	Municipality		
	Crown		
	Ministry of Transportation		
	Private		

Common Name of Road

b. Maintenance:	I.	Municipality		
		Ministry of Transportation		
		Local Roads Board		
		Ministry of Natural Resources		
		Private		
		None		
	II.	Seasonal		
		Year-Round		

c. Water Access: If the proposed access is by water, please describe the nearest **public** boat launching and car parking facility.

How far is it from the property, and what facilities are there?

Please also show on key plan portion of the sketch map.

d. Other Access (Specify)**9. Servicing - Water**

Proposed Water Supply Maintained By:	Severed	Retained
Municipality		
Local Services Board		
Private: well, lake or communal (Specify)		

10. Servicing - Sewage

Proposed Sewage System Maintained By:	Severed	Retained
Municipality		
Local Services Board		
Private: septic, pit, chemical (Specify)		

11. RestrictionsPlease indicate the nature of **any** restrictive covenants or easements affecting the subject lands.

Part B

Sketch Accompanying Application. (Please Use Metric Units)
(See Information Sheet and Sample Sketch for Guidance)

Key Plan



If this application is made by an agent or solicitor on behalf of the landowner, the owner's written authorization must be included. Without such authorization, the application cannot be considered. If surface and subsurface rights are held by different parties, both signatures are required.

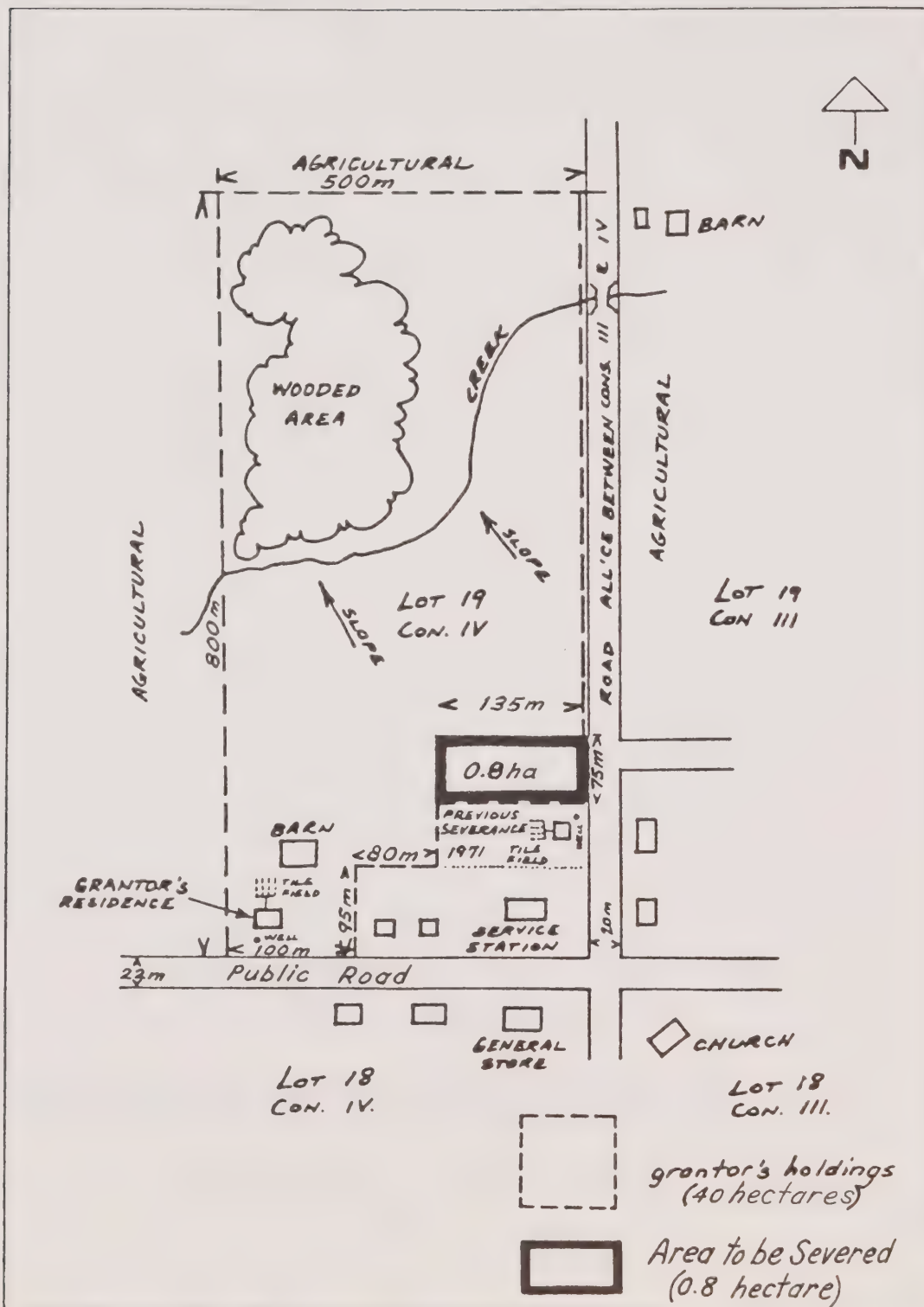
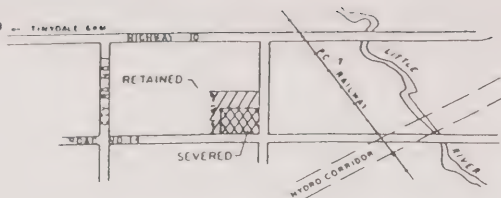
I/We certify that all statements and information contained in this application are true, accurate, and current.

Registered Owner(s)	Agent/Solicitor
Date	Date

Please Use Metric Units

To Convert	Multiply by	To Find
Feet	0.3048	Metres
Acres	0.4046	Hectares

Key Map





Using This Guide – The information below has been set out under headings for quick reference both in correspondence and in completing the attached application.

A. Applying For Consent

1. For your information, pertinent parts of the Planning Act are printed on the reverse side of this guide. The Planning Act covers the entire Province with subdivision control.
2. Note that the attached application form is only to be used when applying to the Minister for consent. It is **not** for use in municipalities where the municipality or planning board has authority to grant consents. In such cases, an application form should be obtained from the municipal or planning board office.

B. Using the Application Form

To assist in completing the application, we request that applicants, agents, and municipalities ensure the following when submitting consent applications:

- That **10 copies** are provided of the application form and sketch, including the originals;
- Please ensure that you keep a copy for yourself.
- That the application form is **complete and accurate**; and clearly states the number of new lots applied for.
- That the application is submitted with a declaration stating that the applicant is the registered land owner of the lands applied for in the application (including or excluding subsurface rights). If the application is being made by an agent then the land owner should also make a declaration in writing which authorizes the agent to act for the owner and to submit this application.
- Please note that your application will be assigned a file number which should be used on all correspondence.
- That the sketch and key map are legible, and **contained on one page; (or additional maps where necessary)**.
- Metric units should be used.
- **To avoid delays, information should be complete and accurate.**

C. Sketch Required

The sketch provided should clearly identify:

- the areas to be severed and retained;
- the full extent of the owner's lands;
- approximate dimensions of the lots **in metric**;
- approximate locations and distances of existing and proposed buildings and structures;
- all previous severances from the original holdings;
- the approximate location of all natural and artificial features, including railways, highways, slope of land, watercourses, wells, septic fields, wooded areas and swamps;

- the use of adjoining lands
- the nature and location of easements or restrictive covenants affecting the lands;
- the location, names and status of the roads leading to the property and distance to the connecting public road;
- if the application is for a lot addition, identify the lands to be added to, and provide proof of their ownership (i.e. a copy of the Parcel Register or Transfer/Deed of Land Form); and
- if the lands are part of a registered plan of subdivision or reference plan, provide a copy of the plan with the consent application.

The key map should identify the location of the site relative to major natural or artificial features (i.e. existing development, highways, lot and concession boundaries, watercourses, etc.); and

Please indicate whether the lands are in the Land Titles or Registry System.

D. Dealing With the Application

1. After receiving the completed application, the Minister may confer with officials of municipalities and other ministries, commissions and authorities, and with others who may be concerned, to obtain information and recommendations. Please note that circulation of proposals requires at least 60 days.
2. The Minister may impose certain conditions in granting the consent and shall require that these conditions be fulfilled prior to granting the consent.
3. The Minister may propose to refuse to give a consent. In this instance, pursuant to Section 53(12) of the Planning Act, the Minister shall send a notice to the applicant giving his reasons for the refusal. The applicant has up to sixty days from the sending of the notice to request the Minister to refer the application to the Ontario Municipal Board.
4. Section 53(13) of the Planning Act allows any person to request the Minister to refer an application to the Ontario Municipal Board. Any such request must be accompanied by written reasons and must be submitted prior to the notice imposing conditions in the giving of a consent.
5. Pursuant to Section 53(14) of the Planning Act, when the owner of the land or local municipality is not satisfied with the condition(s) imposed, they may request the secretary of the Ontario Municipal Board and the Minister to refer only to the condition(s) to the Ontario Municipal Board. Any such request must be in writing.
6. Pursuant to Section 53(20) of the Planning Act, where the conditions are not fulfilled within 1 year of the consent in principle being issued, the consent shall be deemed to be refused. Extensions will not be considered.

Pointers on Consent

Adapted from the Planning Act, R.S.O. 1990

When is a consent required?

Any division of land, any division of a lot or block on a registered plan or any separations of parcels on a plan deemed not to be a registered plan requires consent. Section 50, Subsections 1, 3, 4, 5, and 15.

Reference to section 50

- *Subsection 21:* An agreement, conveyance, mortgage or charge made, or a power of appointment granted, assigned or exercised in contravention of this section or a predecessor thereof does not create or convey any interest in land, but this section does not affect an agreement entered into subject to the express condition contained therein that such agreement is to be effective only if the provisions of this section are complied with.

Reference to section 53

- *Subsection (2):* The Minister in dealing with applications for consent shall comply with such rules of procedure as are prescribed.

And a reference to section 51

- *Subsection 4:* In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience and welfare of the present and future inhabitants of the *local municipality* and to the following,
 - (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
 - (b) whether the proposed subdivision is premature or in the public interest;
 - (c) whether the plan *generally* conforms to the official plan and adjacent plans of subdivision, if any;
 - (d) the suitability of the land for the purposes for which it is to be subdivided;
 - (e) the number, width, location and proposed grades and elevations of highways, and the adequacy thereof, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy thereof;
 - (f) the dimensions and shape of the lots;
 - (g) the restrictions or proposed restrictions, if any, on the land, buildings and structures proposed to be erected thereon and the restrictions, if any, on adjoining lands;
 - (h) conservation of natural resources and flood control;
 - (i) the adequacy of utilities and municipal services;
 - (j) the adequacy of school sites;
 - (k) the area of land, if any, within the subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes; and
 - (l) the physical layout of the plan having regard to energy conservation.

Note: These pointers have been adapted from the Planning Act to help you apply to the Ministry of Municipal Affairs for consent. They are general guidelines only for use with the Consent Application Guide. The statutes should be used for precise reference.



Minister's Zoning Order Amendment

for applying to the Minister of Municipal Affairs
under section 47 of the Planning Act R.S.O. 1990

Using This Guide – The information below has been set out under headings for quick reference both in correspondence and in completing the attached application. Please also refer to sections 46 and 47 of the Planning Act, R.S.O. 1990.

A. Applying For a Minister's Zoning Order Amendment

Note that the attached application form is only to be used when applying to the Minister for a zoning order amendment. It is **not** for use in municipalities where council has authority to amend zoning by laws. In such cases, an application form should be obtained from the local planning board or municipality.

B. Using the Application Form

To assist in completing application, we request that applicants, and agents ensure the following when submitting applications:

- That **10 copies** are provided of the application form and sketch, including the originals;
- That the application form is **complete** and **accurate**; and clearly states the reason.
- Please ensure that you keep a copy for yourself.
- That the application is submitted with a declaration stating that the applicant is the registered land owner of the lands applied for in the application (including or excluding sub-surface rights). If the application is being made by an agent then the land owner should also make a declaration in writing which authorizes the agent to act for the owner and to submit this application.
- Please note that your application will be assigned a file number which should be used on all correspondence.
- That the sketch and key map are legible, and **contained on one page**;
- Metric units should be used.
- **To avoid delays, information must be complete and accurate.**

C. Sketch Required

A sketch must be included, drawn on the attached form at suitable scale, and must show:

- a) The boundaries of the subject land, with dimensions.
- b) The location, widths and names of all roads or highways within or abutting the property, indicating whether they are publicly-owned, and maintained travelled roads, or private rights-of-way and the location of the closest public road as well as public access points.
- c) The boundaries of all of the land adjacent to the subject land that is owned by the applicant or in which the applicant has an interest. (This can be shown on a small key plan.)
- d) The relationship of the boundaries of the subject land to the boundaries of the township lot and to the boundaries of any adjacent lots or registered plans.
- e) The location and dimensions of all existing and proposed structures on the subject land, and all yard set-backs.
- f) Natural and artificial features such as buildings, (siting measurements may be required for some applications i.e.,

where the siting of a building would encroach on a required side yard or front yard etc.), railways, highways, pipelines, watercourses, drainage ditches, swamps, and wooded areas within or adjacent to the subject land.

- g) The nature of the existing uses of land within a radius of 300 metres of the property.
- h) The slope of the land, in order to establish the relationship between the grade of abutting highways and the grade of the subject land and to determine the drainage of the land (this information may be given in the form of contours, spot elevations, or written description).
- i) Easements, rights of way, and/or restrictive covenants.

D. Dealing With the Application

1. A minister's zoning order is similar to a municipal zoning bylaw and is used to control land use and development in unorganized areas of northern Ontario. A minister's zoning order may occur in organized municipalities as well to deal with issues. Mobile home parks created after June 1, 1977 that have more than one mobile home unit also require a minister's zoning order within unorganized territory.
2. If you are proposing a land use that is not permitted in the category the land is zoned, or does not meet one of the zone's requirements, then you may need to apply to amend the zoning order. Please consult with your local planning board.
3. Your proposed use must conform to the local official plan, it must conform to all other requirements of the zoning order, and it must meet the requirements of local and provincial agencies.
4. If your application is complete, it will be circulated to those affected agencies. You will be advised of any public meeting. A public notice will be issued for all zoning order amendments.
5. If your application does not conform to the local official plan, (if one exists) or satisfy M.M.A. or other agency concerns, then it may be refused. You should investigate an official plan amendment with your local planning board before you submit your application. If the zoning order amendment application is refused, you may ask the Minister of Municipal Affairs to refer the decision to the Ontario Municipal Board.
6. For help in filling out this form you may consult an agent working on your behalf, such as a planner, lawyer, or surveyor. Questions on the process can be referred to the local planning board, or the closest Field Management Branch office, or to the Plans Administration Branch of the Ministry of Municipal Affairs.
7. You must answer all questions as completely as possible and provide a sketch and key map that are clear and accurate. You must also submit a complete legal description including a photocopy of your deed or reference plan. Send 10 copies of your completed application to the address on the application form. Applications that are incomplete will be returned.

The legal description may be a metes and bounds description, a reference plan which has been deposited in the local Registry Office or Land Titles Office, or if it is a registered plan, the Registered Plan Number and Lot No.

Note: This application cannot proceed without a legal description of the property.



Note: This application consists of Part A and Part B. The undersigned applies to the Ministry of Municipal Affairs to amend a minister's zoning order. To avoid delays, the information supplied on both parts **must be complete and accurate.**
A Sketch Map and a legal description are required.

Mail 10 copies of this form to:

Metric units should be used.

Part A Amendment to Minister's Zoning Order (Ontario Regulation Number) _____

2. All correspondence should be sent to (please mark one only) ☐ Owner ☐ Agent

3. Who can be contacted during the day for additional information? ☐ Owner ☐ Agent

b. How long has the lot been in the owner's possession? _____

c. If consent to sever is required, has a severance application been made? **Please Check One.** ☐ Yes ☐ No

Ministry File No.	Planning Board File No.
-------------------	-------------------------

Note: If a decision on the severance has been made, please enclose a copy of the decision with this application.

7c. Has the property, or any portion, been the subject of a previous zoning order amendment application?
☐ Yes ☐ No If yes, quote ministry/planning board file number. _____

7d. What is the Official Plan Designation of the subject lands (if any)_____

8a. Present Use of Property

- ☐ Residential ☐ Farmland ☐ Seasonal Residential ☐ Other _____
- ☐ Industrial ☐ Commercial ☐ Open Space Storage _____
- ☐ Past Uses of Property
(Include uses that may result in health, safety or environmental risks) _____

8b. List Any Existing Buildings or Structures on the Land

Buildings or Structures	Indicate all Yard Setbacks				Building Dimensions	Building Height
	Front	Rear	Side	Side		
1.						
2.						
3.						

9a. Proposed Use of Property

- ☐ Residential ☐ Farmland ☐ Seasonal Residential ☐ Other _____
- ☐ Industrial ☐ Commercial ☐ Open Space Storage _____

9b. List Proposed Buildings or Structures

Buildings or Structures	Indicate all Yard Setbacks				Building Dimensions	Building Height
	Front	Rear	Side	Side		
1.						
2.						
3.						

Number of Parking Spaces (If Commercial or Industrial Use) _____

10. Types of Servicing

The property will be serviced by (please check appropriate box)

a. Water Supply

- ☐ Publicly Owned and Maintained
☐ Piped Water System ☐ Private Well ☐ Other (Specify Source of Water _____
eg. Lake)

b. Sewage Disposal

- ☐ Publicly Owned and Maintained
☐ Sanitary Sewage System ☐ Septic Tank and Title Field ☐ Other (Please Specify Type _____
eg. Private Communal Sewage System)

c. Road Access

- ☐ A Public Road Owned and Maintained by: ☐ a Local Roads Board; ☐ the Ministry of Transportation.
☐ Private Road
☐ Road Over Crown Land Maintained by the Ministry of Natural Resources.
☐ Water Access Only. (Identify location of nearest public access) _____
☐ Other (Specify) _____

d. Other Services

- ☐ Electricity ☐ Garbage Collection ☐ School Busing ☐ Telephone

Part B

Sketch Accompanying Application. **(Please Use Metric Units)**
(See Information Sheet and Sample Sketch for Guidance)

Key Plan

If this application is made by an agent or solicitor on behalf of the landowner, the owner's written authorization must be included. Without such authorization, the application cannot be considered. If surface and subsurface rights are held by different parties, both signatures are required.

I/We certify that all statements and information contained in this application are true, accurate, and current.

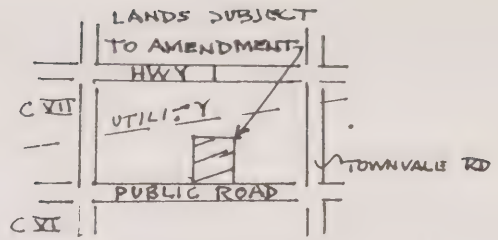
Registered Owner(s)

Agent/Solicitor

Date

Date

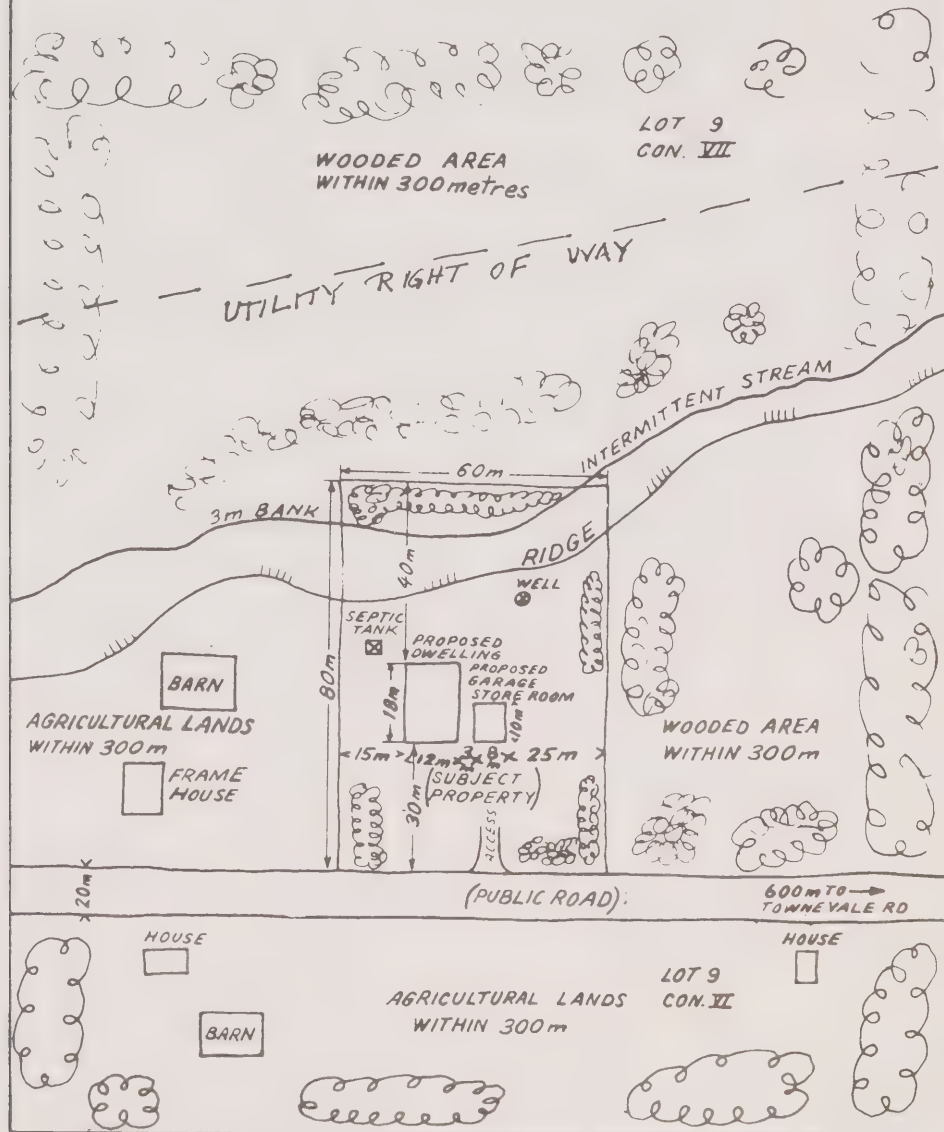
KEY MAP



SAMPLE SITE PLAN SKETCH

SCALE = 1cm = 100metres

AREA OF SUBJECT LAND = 0.5 hectares



REMINDER: INCLUDE LEGAL DESCRIPTION

A Municipalities Having Delegated or Assigned Approvals

A

Appendices

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Municipalities Having Delegated or Assigned Approvals¹

Upper-Tier (all counties, regions and districts listed)	Local OPA's	Subdivisions	Condominiums	Road closings
Regions and District				
Durham (RM)		✓	✓	✓
Haldimand-Norfolk (RM)		✓	✓	
Halton (RM)	✓	✓	✓	✓
Hamilton-Wentworth (RM)	✓	✓	✓	✓
Metropolitan Toronto (RM)		✓	✓	✓
Muskoka (DM)		✓	✓	
Niagara (RM)		✓		
Ottawa-Carleton (RM)	✓	✓	✓	✓
Peel (RM)		✓	✓	✓
Sudbury (RM)		✓	✓	✓
Waterloo (RM)	✓	✓	✓	✓
York (RM)		✓	✓	✓
Counties				
Brant				
Bruce				
Dufferin				
Elgin				
Essex				
Frontenac				
Grey				
Haliburton				
Hastings				

¹ In all other cases, these types of planning applications must receive provincial approval.
As of September 13, 1993

Upper-Tier (all counties, regions and districts listed)	Local OPA's	Subdivisions	Condominiums	Road closings
Huron		✓	✓	✓
Kent				
Lambton				
Lanark				
Leeds & Grenville				
Middlesex				
Northumberland				
Oxford		✓	✓	✓
Perth				
Peterborough				
Prescott & Russell				
Prince Edward				
Renfrew				
Simcoe				
Stormont, Dundas & Glengarry				
Victoria				
Wellington				

Lower-Tier Municipalities	Subdivisions	Condominiums
City of North Bay	✓	✓
City of Sault Ste. Marie	✓	✓
City of Timmins	✓	✓
Town of Orangeville	✓	✓

Separated Municipalities	Subdivisions	Condominiums
City of Belleville	✓	✓
City of Brantford	✓	✓
City of Brockville	✓	✓
City of Kingston	✓	✓
City of Peterborough	✓	✓

B Key Steps in the Planning Application Process

B

1. Official Plan Amendment (OPA)

The Process

What is an OPA? An Official Plan amendment (OPA) is a formal document used to make changes to the existing planning policies and land-use designations in a municipal Official Plan (OP).

An OP is the general, long-range municipal policy document that sets out the plan for future land uses and physical development. It also addresses environmental, economic and social issues to give broad direction for the community's development.

Why is an OPA necessary? An OPA is required if a developer or land owner wants to develop a property for a use other than one permitted by the current OP. Each application for approval is considered on its merits.

Often, the land-use schedule in the OP will need to be changed (e.g., from commercial to residential) and/or it may be necessary to amend the existing policies (that apply to the site) in the OP text.

The Planning Act stipulates that all local zoning by-laws, minor variances, plans of subdivision, consents and public works must conform to the applicable municipal OP. Also, the Act requires that all local OPs *must conform to the applicable county or regional OP*.

What is the OPA process? An OPA is processed in the same way as an OP, following the basic steps set out in the Planning Act and its associated Regulations. Please refer to the following section, Key Steps. As well, the handling of individual OPAs may vary from place to place and according to the nature and complexity of the proposed changes to the existing OP.

What is the timing for an OPA? The Act requires that at least one public meeting be held to make adequate information on an OPA available to the public. This meeting must take place no sooner than 30 days after public notice has been given to all those who may be affected.

There are no time limits for the municipal council to consult on an OPA or for a decision to be made. However, within 15 days of a decision being made, the municipal clerk must send a written notice to every person who requested such notice and to each body that submitted comments on the OPA.

Because of the above requirements and the requirement for the Minister of Municipal Affairs or delegate to make a final decision on an OPA, the process may take some time.

The Act places no time limits on the Minister or delegate to process an OPA to final approval. However, the Ministry of Municipal Affairs (MMA) has recently adopted a number of streamlining measures to ensure quicker processing of OPAs. These include a 60-day target on consultation comments, a 30-day target for decision-making and an overall target of 90 days for final approval of straightforward OPAs. Applications that are more complex or controversial can be expected to take longer.

The Streamlining Guidelines, issued by MMA in 1992, suggested similar timeframes for municipal processing of OPAs. The guidelines reflect the government's strategy to speed up land-use planning decisions in support of Ontario's economic recovery. For further details, refer to the Streamlining Guidelines.

Key Steps:

Start-up of process.

An OPA is usually initiated by a land owner/developer when a proposed development project is not permitted by the municipal OP and/or the county or regional OP. The OPA process usually begins with the developer/land owner submitting an application to amend the OP. This application is submitted to the local municipality, usually through the planning department or, where there is no planning department or planner on staff, through the municipal clerk.

Many municipalities have standard application forms for OPAs and charge a set fee. Applicants need to contact the local planning staff/municipal clerk for more information on how applications are processed in the area of the specific site.

Initial review.

Once an OPA application has been made to a municipality by a developer/land owner, the proposal is reviewed by staff for completeness and in relation to the policies of the existing OP. *Completeness of the application is critical.* At this point, the application is not necessarily accepted and may be returned for more information from the applicant. *Considerable information, such as background or environmental studies, may be needed in order to proceed with the OPA.*

In keeping with the Ministry of Municipal Affairs' Streamlining Guidelines, municipalities should set a target of about 30 days

to review the merits of an OPA application and determine its completeness.

Draft document prepared.

If the application is complete and merits further consideration, a draft OPA is usually prepared by municipal staff or a planning consultant. The OPA document sets out the details of the proposed changes to be made to appropriate sections of the text of the existing OP policies and/or necessary changes to the existing land-use designation (e.g., commercial, residential, industrial) on the OP's land-use schedule.

Public information/notice/meeting.

The municipality is required by the Planning Act to make available to the public adequate information on a proposed OPA. The municipality must also give at least 30 days advance notice and hold at least one public meeting to discuss/hear views on the OPA proposal, unless different notice provisions are set out in the Official Plan. In this way, the general public or individuals interested in or affected by the proposed OPA have an opportunity to express their concerns and views before the municipal council makes its decision.

B

Consultation.

Consultation is required with municipal and provincial agencies/ministries that have an interest in an application. Municipalities usually consult a number of local and provincial bodies. Public agencies/ministries may give advice and make recommendations on an OPA based on their specific concerns. Although timeframes are not legislated, MMA's Streamlining Guidelines set out suggested targets for processing OPAs: 180 days for straightforward OPAs processed by municipalities (30 days for screening the application, 90 days for consultation with review agencies and the public, and 60 days for decision-making); 90 days for MMA review and approval of straightforward OPAs (60 days for consultation and 30 days for decision-making).

The Planning Act allows for an OPA to be appealed to the OMB *if the municipal council refuses the application or fails to make a decision within 30 days of receipt of the application.* (See OMB referral section.)

Decision.

Decision on the adoption of the OPA is made by the municipal council, once the required public meeting has been held.

Notice of decision.

The municipality must send this notice, in writing, to all affected/interested parties within 15 days of the date of the decision.

Final approval.

The adopted OPA is sent to the Minister of Municipal Affairs in Toronto for review and a final decision. (It may instead be sent to a delegate. Delegated municipalities are listed in Appendix C.) The province/delegate makes sure that broader planning and development issues/policies (e.g., Growth and Settlement Guidelines, the Housing Policy Statement) are reflected in the OPA.

The Minister/delegate generally confers with a number of regional/provincial agencies at this stage and carries out a review of the OPA in light of their comments and recommendations. Following this stage, the Minister/delegate may approve the OPA or, after consultation with the local council, modify or refuse the OPA.

As noted, MMA has established target times for the provincial review and approval of OPAs. Unless the OPA is referred to the OMB, the Minister's/delegate's decision at this stage is final. If the OPA is sent to the OMB, the board's decision is final. The only exception is where an OPA is before the OMB for a hearing and the Minister declares that it is a "matter of provincial interest." In such cases, the OMB holds a hearing and makes its decision. The Ontario Cabinet then makes the final decision. Once an OPA is finally approved, and after any other required planning approvals (e.g., rezoning) and the building permit have been obtained, the proposed development can proceed.

The North.

Planning boards are responsible for processing OPAs for some unorganized parts of Northern Ontario. The process in unincorporated areas within a planning board area is basically the same as for OPAs in the south. Where an OPA is for a property in a local municipality, that municipality does the processing and consults the planning board, if there is one. For additional information, applicants need to contact the municipal clerk or the secretary of the local planning board in the applicable area. MMA's Plans Administration Branch North and East can also be helpful in providing information on the OPA process in the North.

OMB referral.

There are a number of key decision-points throughout the OPA process. At any time before the OPA is approved by the Minister of Municipal Affairs (or delegate), anyone may ask the Minis-

ter/delegate to refer the OPA to the OMB. The request must be in writing to the Minister/delegate and must include a written statement setting out the reasons for the referral. This referral request can be denied by the Minister if it is "not made in good faith or is frivolous or vexatious or is made only for the purpose of delay." If the Minister refuses to refer the application, reasons will usually be provided.

An OPA may also be referred to the OMB by the applicant if the local council refuses the application or fails to adopt the OPA *within 30 days of receipt*. Requests must be given in writing to the Minister/delegate.

It is a good idea to make sure that any other required planning approvals (e.g., plan of subdivision, rezoning by-law, consent) are referred or appealed to the OMB at the same time. *In this way, all related matters can be dealt with at the same time, instead of in several hearings.*

The OMB is an independent body that deals with planning disputes, hears all sides and makes a final decision based on planning merits. Once the OMB has made its decision, an order is issued and sent to the applicant, the municipality and all other affected parties. If approved by the OMB, the OPA is then in effect and development can proceed (provided all other required approvals have been obtained). The OMB charges a fee for appeals/referrals.

2. Zoning By-law (ZBL) Rezoning

The Process

What is a zoning by-law? A comprehensive zoning by-law (ZBL) is a legal document, passed by a municipality, which defines and controls land uses and development standards for the permitted uses. Rezoning alters the requirements of the comprehensive zoning by-law, often for specific properties. A rezoning requires that a zoning by-law amendment (ZBLA) is passed to amend the comprehensive zoning by-law.

Why is a rezoning necessary? A rezoning is required if a developer or land owner wants to use land for a purpose not currently permitted by the ZBL or to erect buildings or structures on the land in a location or manner not currently set out in the ZBL. Each application is considered on its merits.

The Planning Act stipulates that all local zoning by-laws must conform to the applicable municipal Official Plan (OP). For this reason, where a project is not permitted by either the existing OP or the existing ZBL, changes to both documents are often processed at the same time.

Where development or redevelopment is proposed in a built-up urban area, a ZBL is usually the major planning tool that applies. Such projects may also be subject to site-plan control (SPC), but a plan of subdivision is likely not required.

What is the rezoning process? A rezoning is processed following the basic steps set out in the Planning Act and its associated regulations. Please refer to the following section, Key Steps. As well, the handling of individual ZBLAs may vary from place to place and according to the nature and complexity of the proposed changes to the existing ZBL.

What is the timing for a rezoning? The Act requires that at least one public meeting be held to make adequate information on a ZBLA available to the public. This meeting must take place no sooner than 20 days after public notice has been given to all those who may be affected, unless other provisions have been set out in the local Official Plan.

There are no time limits for the municipal council to consult on a ZBLA or for a decision to be made. However, once a decision has been made, the municipal clerk must send a written notice to every person who requested such notice and to each body that submitted comments on the ZBL.

MMA's Streamlining Guidelines do not set timeframes for ZBLA applications.

Who processes an RZBL? Rezoning decisions are always made by the local municipal council. Such decisions cannot be delegated. The Minister of Municipal Affairs has no approval powers for rezoning by-laws.

What about minor variances? If only minor changes are required, such as a reduction in the side-yard or parking requirements of the zoning by-law, the *minor variance* process is available. It is a less complex process that takes place through the local committee of adjustment. In such cases, a full rezoning process would not be followed. Instead, an application could be made to the committee, which would hold a meeting, hear the applicant's request and make a decision. Applicants should check with municipal staff about the appropriate process.

Key Steps

Start-up of process

Start-up of process is usually initiated by a land owner or developer who wants to develop a site or property for uses (e.g., residential, commercial) that are not permitted by the text and zoning provisions of the existing ZBL. As well, it may be that a rezoning is needed to allow a building or structure to be located on a site in a way that is not currently permitted because of existing setback requirements in the ZBL.

Many municipalities have standard application forms for rezonings and charge a set fee. Rezonings are often done concurrently with the OPA process. Applicants should contact the planning staff/municipal clerk for more information on the specifics of the rezoning process in the area.

Initial review.

Once a rezoning application has been made to a municipality by a developer/land owner, the proposal is reviewed by staff for completeness and in relation to the policies of the existing OP. *Completeness of the application is critical.* At this point, the application is not necessarily accepted and may be returned for more information from the applicant. *Considerable information, not just an application form, may at this stage be needed for the municipality to process the rezoning.*

The nature and amount of information will vary from site to site, from municipality to municipality, and according to the scope and complexity of the proposed zoning changes. Therefore, the process may take considerable time.

Draft document prepared.

If the rezoning application is complete and merits further consideration, a draft ZBLA is usually prepared by municipal staff or a planning consultant. It usually includes the proposed text and zoning map changes to be made. A rezoning by-law sets out exactly what land uses are to be permitted on a specific site or property. It usually also details the standards for the permitted land uses, such as setbacks, parking and minimum lot size. *Rezoning by-laws must conform to the existing municipal OP. (If not, an OPA is also required.)*

Public information/notice/meeting.

The municipality must make available to the public adequate information about the proposed rezoning. The municipality is also required by the *Planning Act* to give advance notice (in the newspaper, through first class mail or by personal service) and hold at least one public meeting to discuss/hear views on the rezoning proposal. In this way, the general public or individuals interested in or affected by the proposed by-law change have an opportunity to express their concerns and views before the municipal council makes its decision.

Consultation.

Most municipalities usually consult a number of interested local and provincial bodies before making a decision on the rezoning. Public agencies/ministries give advice and make recommendations based on their specific concerns.

Decision.

Decision on the rezoning by-law is made by the municipal council, after the required public meeting has been held. Often, the decision follows recommendations from the planning director (presented in a planning report) and from a subcommittee of council that has considered the application. If the municipal decision is not appealed, the rezoning by-law is in effect (as of the date of the municipal council's decision).

The Planning Act allows for a ZBLA to be appealed to the OMB *if the municipal council refuses the application or fails to make a decision within 30 days of receipt of the application.* (See OMB appeal section.)

Note that *the Ministry of Municipal Affairs or delegated counties or regions do not have approval powers for rezonings. Decisions are made by municipal councils and cannot be delegated. However, rezonings often involve proposals (e.g., an OPA) that require provincial approval.*

Notice of decision.

Notice of decision must be given by the municipality to all affected/interested parties. (See public information/notice/meeting.)

The North.

Where there are no municipalities, the Minister of Municipal Affairs may enact a zoning order. This is discussed in a separate section of this appendix.

OMB appeal.

Once a municipal council has made a decision on a rezoning by-law, anyone may appeal the by-law to the OMB within 20 days of the notice from the municipal clerk. Reasons for the appeal must be given in writing to the municipal clerk.

If a rezoning by-law is refused, or if the local council fails to adopt/recommend the rezoning *within 30 days of receipt* of the rezoning application, the applicant may appeal the decision to the Ontario Municipal Board directly, by writing to the municipal clerk to have the rezoning application sent to the OMB for a hearing. The clerk has no discretion on such requests and must send the application to the OMB.

It is a good idea to make sure that any other required planning approvals (e.g., plan of subdivision, Official Plan amendment, consent) are referred or appealed to the OMB at the same time. *In this way, all related matters can be dealt with at the same time, instead of in several hearings.*

The OMB is an independent body that deals with planning disputes, hears all sides and makes a final decision based on the planning merits of the specific rezoning proposal. The OMB charges a fee for appeals/referrals.

3. Subdivision

The Process

What is a subdivision? A plan of subdivision is a formal document through which land owned by a person or company can be severed into a number of smaller parts, known as lots or blocks. These can be for residential, industrial, commercial, institutional (e.g., schools) or open-space/park uses. See also section 5 of this appendix, "Consent (Land Severance)."

Why is a plan of subdivision needed? An approved plan of subdivision is required by the Planning Act in order for lots and blocks to be sold or conveyed separately.

What requirements are set out in the legislation? The Planning Act requires a substantial amount of information before a proposed plan can be considered for approval. The information is listed on the standard application form (obtainable from MMA or the delegated municipality).

Additional information may be required after the initial review because of the particular circumstances of a specific application.

What is the timing for a subdivision? The Planning Act places no time limits on the Minister or delegate to process a plan of subdivision. However, MMA has recently adopted a number of streamlining measures to ensure quicker processing of planning and development applications. These include a 60-day target on consultation comments, a 30-day target for decision-making, and an overall target of 90 days for final approval of straightforward subdivisions. Complex or controversial applications can be expected to take longer.

The Streamlining Guidelines, issued by MMA in 1992, suggest similar timeframes for municipal review of subdivisions. The guidelines reflect the government's strategy to speed up land-use planning decisions in support of Ontario's economic recovery. (For further details, refer to the Streamlining Guidelines.)

The Minister of Municipal Affairs or delegate may also need additional information, depending on the nature and location of the proposed plan of subdivision. As a result, the time required to process a subdivision may vary considerably from one application to another.

Key Steps

Start-up of process.

Start-up of process is usually by a land owner or developer who wants to develop a property and sell individual lots or blocks of land to others. The Planning Act requires that a registered plan of subdivision must be in place before this start-up can take place. An application is made by the land owner or developer, or by an agent acting on his or her behalf, to the Minister of Municipal Affairs or delegate.

Many municipalities charge a "processing" fee for reviewing and commenting on plans of subdivision, whether or not they have been delegated the power to approve subdivisions. Applicants need to contact MMA Plans Administration Branch staff (or, where delegated, the regional/local municipal clerk/planning staff) for more information.

Public information/ notice/meetings.

Public information/notice/meetings are not required by the Act, but some municipalities provide them.

Plan review/ consultation.

The draft plan is initially reviewed by MMA (or the delegate) for completeness and accuracy. *Completeness of the application is critical.* At this point, the application is not necessarily accepted, and the applicant may be requested to provide more information. *Considerable information may be necessary to process the subdivision plan.* This information can vary according to the nature and location of the specific plan.

In keeping with MMA's Streamlining Guidelines, a target of 90 days has been set for MMA review and approval of straightforward plans of subdivision (60 days for consultation and 30 days for decision-making).

If the application is complete and merits further consideration, it is reviewed against local, regional and provincial criteria and policies. Subdivision plans must conform to the local OP to receive draft and/or final approval.

Consultation.

Consultation is not mandatory, but MMA (or the delegate) usually requests public agencies and ministries to provide comments and make recommendations based on specific concerns. Interested agencies receive a copy of the draft plan and are requested to comment within a specified time.

Draft approval.

Where there is no OMB referral, the plan of subdivision may be recommended for draft approval by MMA staff (or the delegate), usually with a number of conditions to be met by the applicant prior to final approval (plan registration). Some delegated municipalities set a time limit (e.g., three years) for conditions to be fulfilled. MMA does not set one. The decision on a draft plan is made by the Minister or delegate.

The Planning Act requires the Minister or delegate, in considering a plan for draft approval, to have regard, among other matters, to the health, safety, convenience and welfare of the present and future inhabitants of the local municipality and to the following:

- effect of the development on matters of provincial interest, per section 2 of the Act;
- if the proposal is premature or in the public interest;
- if the plan generally conforms to the OP and to adjacent plans of subdivision, if any;
- the suitability of the land for the purposes it is to be subdivided;
- the adequacy, number, width, location and proposed grades and elevations of highways/streets on the site and of their linkage to the existing street/highway system in the vicinity;
- the dimension and shape of the lots;
- restrictions on the land, buildings or structures proposed to be erected on the site as well as restrictions on adjacent lands;
- conservation of natural resources and flood control;
- the adequacy of utilities and municipal services;
- the adequacy of school sites;
- the area of land, if any, on the site (not including streets/highways) to be conveyed or dedicated for public purposes (e.g., parks);
- the physical layout of the plan having regard to energy conservation.

Subdivision agreements.

One of the conditions of draft approval is usually the requirement for a subdivision agreement. This is an agreement between the applicant and the local municipality. It usually sets out details on various matters, such as servicing, road dedication and easements. The agreement may be registered on the title of the land it applies to, and the municipality is entitled to enforce the agreement against the current owner and all subsequent owners of the land. Subdivision agreements are not in

use in unincorporated areas, therefore all conditions must be filled prior to final approval.

**Other facts on
draft approval.**

In draft-approving a plan of subdivision, MMA (or the delegate) may revise (redline) the plan, the lot layout, the location of proposed roads, or any other element of the proposed plan. Also, draft approval may be given to all or a part of the plan, as appropriate. In special cases, conditions may be amended or removed until final approval.

The responsibility for fulfilling the conditions of draft approval *rests primarily with the developer*, as does the timing involved. The only exception is where a delegated municipality has imposed a time limit on the draft approval.

**Final approval/
registration/sale of lots.**

Before final approval can be given, every condition of draft plan approval must be addressed by the applicant and through letters of clearance received from appropriate agencies, municipalities and ministries. Where there is no OMB referral, and when MMA (or the delegate) is satisfied that draft approval conditions have been met, final approval can be given. The subdivision plan can then be registered in the land titles/registry system. Only when the plan has been registered can the new lots or blocks on the plan be sold. Between draft approval and final approval, the lots can be *offered for sale*.

The North.

In those parts of Northern Ontario with a municipal structure in place, the process is the same as in Southern Ontario. In unincorporated areas of the North, only the Minister of Municipal Affairs processes plans of subdivision.

OMB referral.

Anyone may ask the Minister (or the delegate) to refer a plan of subdivision to the OMB at any time before the plan is draft-approved. Reasons in support of the referral must be given in writing. *Once a draft plan has been referred to the OMB, all further decisions and processing of the plan are done by the OMB.* If the Minister or delegate intends to refuse the plan, he or she must notify the applicant. The applicant has 60 days from the date of the notice to write to ask the Minister or delegate to refer the subdivision application to the OMB for a hearing. Otherwise, the application is deemed to be refused.

Referral of draft approval conditions to the OMB can be requested only by an applicant or an affected municipality after the plan is given draft approval, but before it is given final

approval. This is done by writing directly to the secretary of the OMB and to the Minister or the delegate. *Once the OMB has made a decision on the condition(s) referred to it, further processing and decisions on the plan of subdivision are by the Minister or delegate.*

It is a good idea to be sure that any other required planning approvals (e.g., rezoning, Official Plan amendment) are referred to the OMB at the same time. *In this way, all related matters can be dealt with at the same time, instead of in several hearings.*

The OMB is an independent body that deals with planning disputes, hears all sides and makes a final decision based on planning merits. Once the OMB has made its decision, an order is issued and sent to the applicant, the municipality and all other affected parties. If approved by the OMB, the OPA is then in effect and development can proceed (provided all other required approvals have been obtained). The OMB charges a fee for appeals/referrals.

Deeming.

A municipal council may designate any plan of subdivision (or a part) that has been registered for at least eight years, as *deemed not to be a registered plan of subdivision.*

4. Condominium

The Process

What is a condominium? A condominium refers to a type of ownership in which the property is subdivided into individually owned parts (the units) and collectively owned parts (the common elements; e.g., corridors, driveways, open space). The units and common elements can be for residential, industrial, commercial or institutional purposes. Condominiums are not just for high-rise apartments.

Why is a condominium application necessary? An approved plan of condominium is required by the Condominium Act in order for units to be sold or conveyed separately to new owners. In the processing of a condominium plan, many requirements relating to a plan of subdivision under the Planning Act also apply.

What is the timing for a condominium plan? Neither the Condominium Act nor the Planning Act sets out prescribed limits for the processing of a condominium plan. However, MMA has recently adopted a number of streamlining measures to ensure quicker processing of planning and development applications. These include a 60-day target on consultation comments, a 30-day target for decision-making, and an overall target of 90 days for final approval of straightforward condominium plans. Complex or controversial applications can be expected to take longer.

The Streamlining Guidelines, issued by MMA in 1992, suggested similar timeframes for municipal review of condominium plans. The guidelines reflect the government's strategy to speed up land-use planning decisions in support of Ontario's economic recovery. (For further details, refer to the Streamlining Guidelines.)

What is the condominium exemption process? This is a streamlining process designed to be used where the proposed condominium project:

- conforms to the local OP,
- is zoned to permit the proposed use, and
- has already gone through a planning review (as a block on a previous plan of subdivision), and all agency interests have been addressed.

In such cases, MMA will grant an exemption from the condominium plan approval process, if:

- the local municipality has confirmed the project meets the three criteria above, and
- there is a council resolution supporting the exemption.

Key Steps

The key steps are essentially the same as for a plan of subdivision — from submission, through draft approval, to final approval and registration. There are, however, some variations:

Start-up of process. Start-up of process is by a land owner or developer who wishes to sell units (not lots) and an associated proprietary interest in *common areas* in a development project or within a new or existing building. The application is made to the Minister of Municipal Affairs or his or her delegate.

Rental Housing Protection Act (RHPA). The Minister or delegate processes only those condominium applications *that are not subject to the Rental Housing Protection Act (RHPA)*. That is, the Minister or delegate processes applications for a new building, a half-built one, or a completed and occupied building that was always intended for condominium status. Applicants need to contact the municipality or the Ministry of Housing for more information.
Any other buildings or structures being converted from rental status to condominium tenure are subject to the RHPA. Processing of these applications is done by the local municipality. Applicants should contact the local municipal clerk/planning staff for more information.

Draft approval. The Minister of Municipal Affairs or delegate may draft-approve a condominium plan, but must take into consideration the same matters required for a plan of subdivision.
Conditions of draft approval may be imposed, but generally there are only a few. Under certain circumstances, an exemption from draft approval can be considered.

**Final approval/
MMA registration/sale.** Once a condominium plan has been given final approval by the Minister/delegate (or, in special cases, the local municipality), specific legal and title-related requirements need to be met before the plan can be registered and the new units sold.
For more information on registration, applicants should contact the Ministry of Consumer and Commercial Relations, Real Property Registration Branch.

Deeming. A municipal council may designate any plan of subdivision (or a part) that has been registered for at least eight years, as *deemed not to be a registered plan of subdivision*.

5. Consent (Land Severance)

The Process

What is a consent? A land severance is the authorized separation of a piece of land to form two new adjoining, but separate, properties. This is commonly known as a consent, and is required if an owner wants to sell, mortgage, or lease for more than 21 years part of his or her land. Once a severance has been approved, the new land parcel may be sold or resold without further approval, depending on the type of consent given.

Why is a consent necessary? The indiscriminate division of land without anyone's approval could have a long-term negative impact on a community. It might, for example, result in overextension of municipal services, such as snow ploughing, school busing and garbage collection. Or it might result in damage to the natural environment (for example, damage caused by lots that would be too small to accommodate an adequate sewage disposal system). Or it might result in a threat to a person's health or safety (caused, for example, by a lot in a flood plain).

Generally, the creation of new lots by consent may be considered where:

- only one or two lots are proposed, or sometimes more if permitted by the Official Plan;
- no more than two lots have been severed from the parcel since 1970, when approval of lot creations became mandatory;
- the new and remaining lot will have direct road access to an existing publicly owned and maintained road;
- extensions of municipal or communal sewer or water services are minor and can be made at no cost to the local municipality.

What is the timing for a consent? The Planning Act sets no time limits for processing consent applications except for appeals to the OMB (see below). To avoid delays in the processing of applications, the applicant should ensure that all information is complete and accurate.

Key Steps

Start-up of process.

When a registered land owner wishes to convey a portion of land separately, he or she (or an agent) should contact the appropriate consent-granting authority in the area. Different authorities are responsible for the processing of consent applications in Ontario. Depending on the location of the property and the municipal structure, the consent-granting authority may be a local council, a committee of council, a county land division committee, a committee of adjustment, a planning board or the Ministry of Municipal Affairs.

Information requirements.

Most consent-granting authorities request applicants to complete standard application forms. A sketch of the full extent of the owner's lands, identifying the areas to be severed and retained, is generally included with the application.

Initial review.

A consent application is initially reviewed for completeness and accuracy. *Completeness of the application is critical.* If the form is not complete, the application might not be accepted. Additional information may also be requested from the applicant.

If the application is complete and merits further consideration by the consent-granting authority, it is reviewed against local, regional and provincial criteria and policies. If the area has an Official Plan, the proposal must conform to its requirements. If the area has local zoning by-laws or zoning orders, the proposal must conform to their requirements.

Public information/notice/meeting.

The Planning Act does not require any public meetings to be held. Because all severance proposals are reviewed against local planning policies and regulations, no advance public notice is required.

Review/consultation.

Consent proposals generally undergo a similar type of review as a plan of subdivision. Applications are assessed on the basis of services, access, and local and provincial policies and regulations. The review generally involves consultation with agencies, ministries and local officials who may have an interest in the proposal.

Consent in principle.

At this stage of approval, conditions may be imposed by the consent-granting authority. One common condition is the requirement for a reference plan of survey and the preparation of a transfer/deed of land form.

Where conditions are not fulfilled within one year of the consent in principle being issued, the consent shall be deemed to be refused. Extensions are not permitted under the Planning Act.

**Final approval/
certificate.**

When all the conditions have been met by the applicant, a certificate is issued by the authority and the severance goes into effect. If the transaction that was originally applied for (e.g., sale of property, transfer of property rights) is not carried out within two years of the date of the certificate, the severance is considered lapsed. An earlier lapsing date can be specified by the approval authority at the time of the severance decision.

Notice of decision.

Notice of a decision (a set of conditions or refusal) is sent to applicants and those requesting notification. When a decision is made by the council or the planning board, written notice must be given within 10 days of the date of the decision.

The North.

For Northern Ontario, the Minister of Municipal Affairs grants consents, although the power is often delegated to a planning board or local council. For information, applicants should contact the municipal clerk, planning board staff or the Ministry of Municipal Affairs (Plans Administration Branch).

OMB appeal.

When the Ministry of Municipal Affairs proposes to refuse an application, the Minister sends a notice to the applicant, giving reasons for the refusal. The applicant has up to 60 days (from the date the notice is sent) to request that the Minister refer the application to the OMB. Where a decision is made by a planning board, the board follows the same process.

When a decision is made to refuse an application by a consent-granting authority other than the Ministry of Municipal Affairs (such as a council, a committee of adjustment or a land division committee), the applicant may appeal the decision to the Ontario Municipal Board within 30 days of the decision.

It is a good idea to make sure that any other required planning approvals (e.g., rezoning by-law, Official Plan amendment) are referred or appealed to the OMB at the same time. *In this way,*

all related matters can be dealt with at the same time, instead of in several hearings.

The OMB is an independent body that deals with planning disputes, hears all sides and makes a final decision based on the planning merits of the specific rezoning proposal. The OMB charges a fee for appeals/referrals.

All decisions can be appealed in writing to the OMB by any agency or other party within 30 days of the decision.

6. Site-Plan Control (SPC)

The Process

What is site-plan control? The SPC process allows municipalities to ensure that a number of detailed, site-specific requirements related to development are provided to the municipality's satisfaction.

Why is SPC used by municipalities? No development is permitted to take place in an area designated by a municipality as an SPC area *unless the council first approves plans and/or drawings showing the exact location and details of all buildings, structures and related facilities.*

SPC is not a form of zoning, but can be a useful tool to supplement the municipality's existing zoning provisions. In order for a municipality to use SPC, it must have an approved Official Plan that shows or describes areas of the municipality as proposed site-plan control areas. In such cases the municipality may, by law, designate all or part of such areas as a site-plan control area.

What is the timing for SPC? The Planning Act sets no time limits for SPC, except for appeals to the OMB (see below).

To process the application, the municipality may require the developer or land owner to provide a considerable amount of information. The extent of this information may vary according to the nature and location of the proposed development. Therefore, the amount of time needed to process an SPC application may also vary.

Key Steps

Start-up of process.

Start-up of process is initiated by a land owner or developer proposing construction or erection of a building or structure.

Municipal staff usually advise the land owner or developer that the site in question is in an area designated for SPC. As such, the municipality may then require the owner/developer to submit plans and/or drawings for its approval on a range of matters set out in the Planning Act. Applicants should contact the planning staff/municipal clerk for more information on SPC processing and applicable fees.

The Ministry of Municipal Affairs has no approval powers for site-plan control. Counties or regions may enter into SPC agreements on matters related only to their roads/highways.

Scope of SPC.

Municipalities (with SPC areas set out in their Official Plans) may require either or both of:

1. Plans showing the location of buildings/structures to be erected and the location of required works/facilities in connection with:
 - road widenings
 - access ramps, curbs and traffic direction signs
 - off-street parking/loading and access driveways
 - walkways and ramps for pedestrian access
 - lighting of land or buildings
 - walls, fences, trees, hedges for landscaping
 - garbage storage areas
 - easements for servicing (water, sewage)
 - grading and stormwater drainage.
2. Drawings, showing elevations and cross-sections of each building/structure to be erected.

Conditions of approval. Conditions of approval for drawings/plans may require the land owner or developer to:

1. provide free to the municipality any of the facilities/works listed above;
2. maintain facilities/works;
3. enter into an agreement with the municipality to ensure the provision/maintenance of facilities.

Registration of agreement.

Registration of agreement against the land to which the SPC agreement applies allows the municipality to enforce the agreement against the current owner and all subsequent owners of the site.

Exemptions/delegation. The municipality may exempt any class of development from the requirement for the approval of drawings/plans. The municipality may also delegate SPC powers to a designated municipal official.

OMB referral.

The land owner (but no one else) may require the referral of SPC-related issues to the Ontario Municipal Board for a hearing if:

- the municipality fails to approve drawings/plans within 30 days of submission
- the land owner is not satisfied with any of the requirements of the municipality for facilities and/or works
- the land owner disagrees with the terms of the SPC agreement.

It is a good idea to make sure that any other required planning approvals (e.g., plan of subdivision, Official Plan amendment, consent) are referred or appealed to the OMB at the same time. *In this way, all related matters can be dealt with at the same time, instead of in several hearings.*

The OMB is an independent body that deals with planning disputes, hears all sides and makes a final decision on drawings and requirements. The OMB charges a fee for referrals.

7. Minister's Zoning Order Amendment

The Process

What is a zoning order amendment? The Planning Act provides that the Minister may amend a zoning order by passing an amending order in the form of a Regulation. Zoning orders control land use and development in a manner similar to a municipal zoning by-law.

Zoning order amendments usually change lot standards (e.g., lot frontage or lot size), or change the zone to allow for a development that would not conform to the order (e.g., a commercial building in a residential zone). The processing of amendments to the order is the responsibility of the Minister and staff; however, the administrative responsibilities may be delegated to planning boards, where they exist.

The Planning Act prohibits local and provincial agency approvals and hook-ups (hydro permits; certificates of approval for sewage systems, such as for a septic tank or a tile field bed) unless the proposed building and use conform with the zoning order. A "letter of conformity" is proof to the agencies that the building and use conform. This letter is issued by the Ministry (available through the nearest local office) or the planning board.

What is the timing for a zoning order amendment? The Planning Act sets no time limits for processing zoning order amendments. To avoid delays in the processing of applications, the applicant should ensure that all information is complete and accurate and should submit a legal description of the property. A legal description of the property is required because the zoning order is a legally enforceable document that must contain a precise description of the land.

Key Steps

Start-up of process.

Registered land owners wishing to amend the zoning order (or an authorized agent) should contact the planning board or the Minister (Plans Administration Branch or the nearest local office).

Where the planning board has the administrative responsibility for zoning order amendments, it is responsible for reviewing the application, consulting with agencies and providing public

notice. Once this initial review has been completed, the planning board forwards to the Minister its recommendation to approve or refuse the application.

Information requirements.

The provincial zoning order amendment application form used by the ministry is generally used by the planning boards. A sketch showing the full extent of the owner's lands and a legal description of the property are to be included as part of the application.

Public information/notice/meeting.

The Planning Act requires that before a zoning order may be amended, public notice be given in a manner considered appropriate by the planning board/Minister.

Amendment review/consultation.

If the application is complete and merits further consideration, it is assessed on the basis of adequacy of services and access, and conformity with local or provincial policies and regulations. The zoning order amendment must conform to the Official Plan, where one exists, and all other requirements of the zoning order. It must also meet the requirements of local and provincial agency standards or guidelines. This assessment generally involves consultation with those agencies, ministries and local officials having an interest in the proposal.

Approval of the amendment.

The ministry prepares the amending order in the form of an Ontario Regulation. The amendment comes into effect when it is filed with the Registrar of Regulations, who gives it an Ontario Regulation number. (The Ontario Regulation will be published in the Ontario Gazette.) The province advises the applicant (and the planning board, where applicable), in writing, of the approval.

The letter of conformity can then be issued by the ministry (the nearest local office) or the planning board, where appropriate. Copies of this letter are sent to the agencies that issue permits (e.g., the health unit, Ontario Hydro).

Refusal of the amendment.

The province advises the owner and the planning board and other agencies, in writing, of reasons for a refusal.

**OMB referral
or appeal.**

Anyone may ask the Minister of Municipal Affairs to refer an amendment to the OMB before the Minister makes a decision. The request may be refused if the Minister is of the opinion that the request is not made in good faith, or is frivolous or vexatious, or is made only for the purpose of delay.

If the Minister of Municipal Affairs refuses to amend the zoning order, the applicant may appeal to the OMB.

It is a good idea to make sure that any other required planning approvals (e.g., consent) are referred or appealed to the OMB at the same time. *In this way, all related matters can be dealt with at the same time, instead of in several hearings.*

The OMB is an independent body that deals with planning disputes, hears all sides and makes a final decision based on the planning merits of the specific rezoning proposal. The OMB charges a fee for appeals/referrals.

C Sources of Information

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C Sources of Information

Provincial Policies and Guidelines

A description of each of the provincial policies and guidelines mentioned in this guide is found in the Guideline Directory: A Listing of Provincial Policies and Guidelines Related to Land Development. This directory is available from Publications Ontario (Ontario Government Bookstore). Telephone: (416) 326-5300 or toll-free long-distance 1-800-668-9938.

Copies of the actual policies and guidelines are available from the bookstore as well as the appropriate ministry. There is a charge for some of the guidelines.

Planning Act Policy Statements and Related Implementation Guidelines

1. Flood Plain Planning Policy Statement (MNR, MMA)
2. Flood Plain Planning Policy Statement Implementation Guidelines (MNR, MMA)
3. Increasing Housing Choices: Implementation Guideline for the Land Use Planning for Housing Policy Statement (MOH, MMA)
4. Land Use Planning for Housing Policy Statement (MOH, MMA)
5. A Manual of Implementation Guidelines for the Wetlands Policy Statement (MNR, MMA)
6. Mineral Aggregate Resources Policy Statement (MNR, MMA)
7. Mineral Aggregate Resources Policy Statement — A Guideline as Implementation (MNR, MMA)
8. Wetlands Policy Statement (MNR, MMA)

Cabinet Approved Policies and Guidelines

1. Food Land Guidelines (OMAF)
2. Growth and Settlement Policy Guidelines (MMA)
3. Guidelines on Noise and New Residential Development Adjacent to Freeways (MMA, MTO)
4. Land Use Policy Near Airports (MMA)
5. 2021 — The Challenge of Our Future — A Working Document (MMA, Office for the GTA)

Cabinet Approved Plans

1. Niagara Escarpment Plan (MOEE)
2. Parkway Belt West Plan (MMA)

Ministry Policies and Guidelines

1. Agricultural Code of Practice (OMAF, MMA, MOEE)
2. Designation Handbook (MCTR)
3. Environmental Information for Land Use Planning Purposes
4. Fill Quality Guidelines for Lakefilling in Ontario (MOEE)
5. Guidelines for Commenting on Land Use Planning Matters
6. Guidelines for Compatibility Between Sewage Treatment Facilities and Sensitive Land Uses (MOEE)
7. Guidelines for the Design of: Sanitary Sewage Works, Storm Sewers, Water Distribution Systems, Water Storage Facilities, Small Water Systems, and Seasonal Water Systems (MOEE)
8. Guidelines for Plan Input and Plan Review (MTO)
9. Implementation Guidelines: Provincial Interest on the Oak Ridges Moraine Area of the Greater Toronto Area (MNR, MMA)

10. Incorporation of the Reasonable Use Concept into MOEE Groundwater Management Activities (MOEE)
11. Land Use Compatibility (MOEE)
12. Land Use on or Near Landfills and Dumps (MOEE)
13. Levels of Treatment for Municipal and Private Sewage Treatment Works Discharging to Surface Waters (MOEE)
14. Manual of Policy, Procedures and Guidelines for On-site Sewage Systems (MOEE)
15. Ministry of Natural Resources Plan Input Packages (MNR)
16. Ontario Heritage Conservation District Guidelines (MCTR)
17. Stormwater Quality Best Management Practices (MOEE)
18. Streamlining Guidelines: The Development Review Process (MMA, MOH)
19. Transit Supportive Land Use Planning Guidelines (MTO, MMA)
20. Urban Drainage Guidelines (MOEE)
21. Treatment Requirements for Municipal and Communal Water Works Using Ground Water Sources (MOEE)
22. Treatment Requirements for Municipal and Communal Water Works Using Surface Water Sources (MOEE)
23. The Use of Holding Tanks in Sewage Systems Under Part VIII of the Environmental Protection Act (MOEE)

Interim Ministry Guidelines

1. Guideline for Calculating and Reporting on Uncommitted Reserve Capacity at Sewage and Water Treatment Plants (MOEE)
2. Guideline on Planning for the Re-use of Potentially Contaminated Sites (MOEE)
3. Guideline on Planning for Sewage and Water Services (MOEE)
4. Guideline for the Responsibility for Communal Water and Sewage Works and Communal Sewage Systems (MOEE)

5. Guideline on Separation Distance Between Industrial Facilities and Sensitive Land Uses (MOEE)
6. Interim Stormwater Quality Control Guidelines for New Development (MOEE, MNR)
7. Technical Guideline for Septic Systems: Water Quality Impact Risk Assessment
8. Technical Guideline for Water Supply Assessment for Subdivision Developments on Individual Private Wells (MOEE)

Related Publications

Ministry of Municipal Affairs

An Introduction to Community Planning (1985)

A Planner's Reference to Legislation, Provincial Policies and Guidelines (1989)

Citizen's Guides (Revised, 1990)

Ministry of Environment and Energy

Municipal Environment Planning Series (Revised, 1987)

Mapping

Considerable information is available in a mapped form. The following list of the maps currently in print and available through the provincial or federal government indicates the scale and how to order copies.

In many cases, not all parts of the province have been mapped. If applicants wish to view a map or to purchase one at an office, it is strongly recommended that they call to be sure it is available. University libraries, major reference libraries, and municipal offices may also have the maps available for review.

Ontario Ministry of Agriculture and Food

Information Centre
801 Bay St., 1st Floor
Toronto, Ontario M7A 2B2

Telephone: (416) 326-3400 or 1-800-567-8898 (for 519 and 613 area codes only; other area codes to follow)

- Soil survey maps and reports (by county or region)
- Soil capability maps

Ministry of Environment and Energy

Public Information Centre
135 St. Clair Ave. W., Suite 100
Toronto, Ontario M4V 1P5

Telephone: (416) 323-4321 or 1-800-565-4923

- County/district ground-water probability
- Susceptibility of ground water to contamination
- Major aquifers in Ontario
- Drainage basins hydrology

Ministry of Municipal Affairs

777 Bay St.
Toronto, Ontario M5G 2E5

Telephone: (416) 585-6081

- Municipal boundaries maps (two for the province)

Ministry of Natural Resources

Public Information Centre
Macdonald Block, Room M1-73
900 Bay St.
Toronto, Ontario M7A 2C1

Telephone: (416) 314-1666 or call collect

- Ontario base maps (scale varies from 1:10,000 to 1:20,000)
- Provincial series maps, southern part of Northern Ontario only (scale 1:100,000)
- Forest resource inventory (scales vary from 1:10,000 to 1:63,360)
- Aerial photographs (scales vary from 1:8000 to 1:100,000; enlargements possible)

Ministry of Natural Resources

Provincial Remote Sensing Office
90 Sheppard Ave. E., 4th Floor
North York, Ontario M2N 3A1

Telephone: (416) 314-1325 or 314-1319

- Wildlife use capability (scale 1:50,000)
- Timber use capability (scale 1:250,000)
- Recreation use capability (scale 1:50,000)
- Shoreland recreation capability (scale 1:15,840)
- Land classification (physiographic site classification, soil texture, and depth; scale 1:250,000)
- Engineered flood line, which may also be available from Conservation Authorities

Wetlands mapping is available from the local Ministry of Natural Resources field office (see the blue pages of the telephone directory).

Ministry of Northern Development and Mines

Mines and Minerals Information Centre
Macdonald Block, Room M2-17
900 Bay St.
Toronto, Ontario M7A 1C3

Telephone: (416) 314-3800 or 1-800-665-4480

- Ontario geological survey maps
- Mining claims maps for Southern Ontario

Mining claims maps for the rest of Ontario should be requested from the nearest Mining Recorder's Office (see the blue pages of the telephone directory).

Publications Ontario (Personal Shopping)

880 Bay St.
Toronto, Ontario M7A 1N8
Telephone: (416) 326-5320

Publications Ontario (Mail Order)

50 Grosvenor St.
Toronto, Ontario M7A 1N8
Telephone: (416) 326-5300 or 1-800-668-9938

- Ontario transportation map series (produced by Ministry of Transportation)

Municipalities generally have other useful maps. These cover location of utilities, existing land use and other matters important to developers. Municipalities may also have base mapping at a useful scale. The federal government produces maps, although in general the scale tends to be too small to be useful for specific planning applications.

Telephone Inquiries

Certain important information sources should always be consulted:

1. The local municipality and the county or region (where the county has a planning department) are obvious sources of a variety of information about planning applications.
2. The Conservation Authority, if there is one.
3. The regional offices of planning-related ministries, if there is reason to believe they have an interest in the application. Generally speaking, it is best for the applicant to do some preliminary work to understand what issues a ministry may be concerned about. It is also suggested that the applicant consult the relevant policies and guidelines set out in this guide.

The Ministry of Natural Resources (MNR) and the Ministry of Environment and Energy (MOEE) have an interest in most planning applications and, therefore, receive many requests for information. These ministries in particular request that the applicant, before asking for assistance from the ministry, research the site and read the appropriate ministry publications to determine if any help is really needed.

The telephone number and address of the closest local office of a ministry is found in the blue pages of the telephone directory, or by calling Toronto (416) 326-1234, London (519) 675-7729, Sudbury (705) 675-4574, Ottawa (613) 238-3630, Thunder Bay (807) 475-1110, or elsewhere by asking the Bell telephone operator for Zenith Ontario.

4. Local interest groups or specialists are also a valuable source of information. Members of local heritage and environmental groups often know a lot about an area. If a university or a community college is in the region, someone with expertise may be able to provide needed information, either as a consultant or a volunteer.
5. Residents' associations and the municipal councillor may be able to provide valuable information about a proposed development site.

D Summary of Provincial Issues and Required Studies

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D Summary of Provincial Issues and Required Studies

Using the Information Sheets

This Appendix consists of information sheets designed to give the developer, the owner and the general public an overview of policy issues that could substantially affect — or even prevent — a proposed development. The information sheets should be read carefully to ensure that:

1. Effort and money are not spent on preparing applications for developments unlikely to be able to proceed.
2. Applications are well prepared and all supporting information is provided according to the reviewing agency's standards.

The following information sheets are essential reading for anyone preparing a subdivision application. The new application form requires that some applicable studies be included as part of the application. The section on each sheet entitled "Studies Required for an Official Plan Amendment and Subdivision Application" describes the studies required by the province for these applications and, in some instances, includes a note about requirements of other agencies. Other types of applications (e.g., for condominiums and consents) may require similar studies. If the application is to a municipality, the municipality will usually have similar requirements.

These information sheets will also be useful for anyone applying to a municipality for an Official Plan amendment (OPA), as well as for the municipality itself. The topics covered are the ones the municipality should consider when processing the amendment. If these topics are inadequately addressed, the province (or the delegated municipality) should not approve the OPA. When municipalities submit applications for an OPA, they will be required by the province to show how each relevant issue is addressed.

Areas covered are grouped into sections, although there is some overlap.

- A. Conformity with the Official Plan**
- B. Agricultural Lands**
- C. Community Development:**
 - Community Amenities
 - Cultural Heritage
 - Design
 - Growth and Settlement
 - Housing
 - Public Transportation, Walking and Cycling
 - Roads and Access
- D. Natural Heritage and Related Issues:**
 - Environmentally Sensitive or Significant Areas (ESAs)
and Areas of Natural and Scientific Interest (ANSIs)
 - Plant and Wildlife Habitats
 - Topsoil Management
 - Waterbodies and Fish Habitat
 - Wetlands
 - Woodlands
- E. Non-renewable Resources:**
 - Mineral Aggregates
 - Petroleum and Non-aggregate Mineral Resources
- F. Public Health and Safety:**
 - Air Quality/Odours, Particulates and Noise
 - Contaminated Soils
 - Flood Plains
 - Problems Due to Former Uses (Landfills, Disused Mines, Etc.)
 - Railways
 - Unstable Lands
- G. Regional Issues:**
 - Aboriginal Land Claims/Self-Government Negotiations
 - Niagara Escarpment
 - Oak Ridges Moraine
 - Parkway Belt West Plan
- H. Servicing and Related Issues:**
 - Municipal/Provincial Sewage Systems
 - On-site Sewage Disposal
 - Stormwater Management
 - Water Supply

A. Conformity with the Official Plan

Conformity with the Official Plan

A development that is in conformity with the municipal Official Plan is much more likely to be successful than one that requires changes to this important guide to the future development of the area. If a development proposal does not conform to the Official Plan, it cannot receive any other types of planning approval (including zoning by-law amendments) unless an Official Plan amendment has first been approved.

Is a Potential Development Site Affected?

All proposed developments in areas covered by an Official Plan must either be in conformity with the plan or be the subject of a successful application for an Official Plan amendment before they can proceed.

Issues

An Official Plan is a policy document of the local, county or regional municipality. It provides direction for the community's planning decisions and sets out the municipality's views on:

- where new uses, such as housing, industry, parks, shopping areas, schools, hospitals, offices and other land uses, are to be located;
- what community services, such as sewers, water mains, roads and schools, will be needed;
- when and in what order parts of the community will grow.

There may be two Official Plans in an area: one for the county or region, and one for the local municipality. The local plan must be in conformity with the county or regional plan, which is generally a more conceptual plan. If a development proposal conforms to the local Official Plan, it is normally assumed to conform to the county or regional plan. However, if the local plan needs to be amended, the county or regional plan needs to be reviewed to ensure that the amendment conforms to the more generalized Official Plan, which may also need to be amended.

Where a development application conforms to the Official Plan's objectives and policies and the land is designated for the proposed uses, it is still possible that an application for further planning approvals will not be successful. The application

may be premature, or there may be technical problems with the site that make it unfeasible to develop.

This could be the case if there is insufficient water supply or sewage treatment capacity at this time, or if other critical services cannot yet be provided. In these cases, the development could not proceed until contracts are signed to construct, expand or provide the necessary service.

Where a development application appears not to meet the plan's objectives and policies, or where the subject lands are not designated for the proposed use, an Official Plan amendment is required for the development to be considered. In this case, the Official Plan amendment and development application should be reviewed simultaneously.

Where a municipality is preparing or reviewing a study that could affect the evaluation of the application (for example, the preparation of a secondary plan, the review of the Official Plan or the review of a specialized study), then the application may be premature. It is also considered premature if there is no sewer or water capacity.

Practices and Requirements

The Planning Act sets out the requirements for Official Plans. Where there is an Official Plan:

- Planning decisions made by the different levels of government must follow the plan.
- All public works, such as new sewer or water projects, must conform to the plan.
- A municipal Official Plan must conform to a county or regional Official Plan where one is in effect.

If the development proposal requires an Official Plan amendment, the applicant needs to prepare a background report justifying why the Official Plan's growth pattern or policies should be altered. The Official Plan often sets out the municipality's criteria and the information needed to consider an amendment. In addition, the Growth and Settlement Policy Guidelines (Ministry of Municipal Affairs) outlines what needs to be justified for the province.

Action Steps

- Read all the information sheets in this part of the guide to better understand the types of issues that may apply, the types of studies that may be required, and the information that you must gather about your specific site.
- Applicants are encouraged to engage in preconsultation with the municipality.
- Consult the municipality to determine:
 - what designation and policies apply to the land and the development application;
 - what the municipal process is for making an Official Plan amendment;
 - what studies are required by the municipality, or what studies the municipality is preparing that may affect the development application;
 - what the servicing capacity is; and
 - what municipal development standards would apply to the development.
- Contact provincial plan review agencies to determine provincial policies and standards that apply to the land and the application.
- Consider professional assistance, which is often needed prior to submitting the application.

Studies Required

The Official Plan amendment process may require both general policy justification and technical information, such as hydrogeology studies, population growth analysis and environmental impact analysis.

The following information sheets should give applicants an understanding of the full range of studies that might apply to a particular application.

B. Agricultural Lands

Agricultural Lands

Land-use compatibility and the protection of agricultural lands are two issues that must be addressed when dealing with proposed developments in agricultural areas or on agricultural lands.

The provincial policy on agricultural land use, the Food Land Guidelines, states that non-agricultural development should be directed to urban areas or to other non-agricultural areas. If that is not possible, then proposed developments must be justified in terms of need, amount of land and alternative locations.

Is a Potential Development Site Affected?

Lands to be protected for agricultural uses include those currently in production and those with potential for such uses. These areas are identified in most municipalities through an agricultural or rural designation in the Official Plan.

Any site outside an urban area may be viewed as a potential source of agricultural production. Its value as a development site will be evaluated in relation to the need, amount of land and alternative locations for the proposed use and in consideration of the agricultural soil classification of the land and the farming activities on the subject and adjacent lands.

Issues

Residential and other forms of urban development often conflict with a desire to maintain Ontario's food-producing lands for future generations. The protection of prime agricultural land is the major thrust of provincial policy as presented in the Food Land Guidelines, a provincial policy administered by the Ontario Ministry of Agriculture and Food (OMAF).

The encroachment of developments onto some of Ontario's best-producing farmlands has resulted in concerns about the long-term ability of the province to meet local and national food needs. Once agricultural lands are developed, they are removed from production forever.

Scattered development in rural areas may also take land out of agricultural production or otherwise reduce the land base for agriculture. As well, non-farm agricultural development may not be compatible with neighbouring agricultural operations and farming practices.

Finally, the minimum distance separation (MDS) requirements of the Agricultural Code of Practice are designed to reduce conflicts between livestock facilities and other land uses. Such physical separation will help to reduce complaints about odours. (See also Air Quality/Odours, Particulates and Noise.)

Practices and Requirements

Current government policy relating to the preservation of agricultural land is set down in the Food Land Guidelines. The guidelines are designed to assist local municipalities, counties or regions in planning for agriculture in the preparation of Official Plans or amendments affecting rural land use. The guidelines also relate to land-use and zoning by-laws, and to severance and subdivision policies. The guidelines would not be applied to lands already designated for urban use in previously approved Official Plans or zoning by-laws.

The Canada Land Inventory of Soil Capability for Agriculture is a system that classifies lands according to their inherent capability for agriculture. Class 1 soils represent the most productive for agricultural purposes. Class 7 soils are deemed to have no significance for agricultural purposes.

The Food Land Guidelines state that areas of predominantly classes 1 through 4 lands, as well as specialty crop lands, be protected for agricultural use.

Should this protection not be possible, then proposed development must be justified in terms of needs, amount of land and alternative locations. Note that estate residential development located outside rural villages and hamlets in agricultural areas is not permitted.

The Agricultural Code of Practice provides guidelines for regulating encroachment of development on established livestock farms. These guidelines include minimum distance separation formulas, which must be applied.

Action Steps

- Consult the local municipality and OMAF about existing Official Plan designations and policies regarding the development of agricultural areas; about the preliminary assessment of the agricultural capability of the subject site; and about the level of concern about development of the site.
- It may be necessary to hire a qualified consultant to undertake a justification study (as indicated in the Food Land Guidelines) and/or a soil capability analysis to determine whether (and how) local or provincial land-use policies apply.

Studies Required

Official Plan amendments for urban or village expansions onto farmland and non-agricultural uses in agricultural areas must be accompanied by a justification study to meet the requirements of sections 3.13 and 3.14 of the Food Land Guidelines.

C. Community Development

This section includes the following information sheets: Community Amenities; Cultural Heritage; Design; Growth and Settlement; Housing; Public Transportation, Walking and Cycling; Roads and Access.

Community Amenities

Facilities and amenities such as parks, open space, recreation centres and schools are essential components in the design and development of any community. Convenient access to such community amenities contributes to the quality of life of residents and helps to preserve and enhance the natural environment.

Is a Potential Site Affected?

An Official Plan should, and usually does, identify future sites for parkland and other community facilities. It does that by specifying land-use designations and/or setting general policies to identify the circumstances under which the provision of amenities should occur. A subdivision or land severance must demonstrate conformity with approved policies. A municipality can also require the conveyance of parkland (or cash in lieu of it) to be provided in subdivision/land severance developments.

The location and character of facilities will be influenced by the extent of development, the type of population anticipated and the services expected to be demanded. Developable land will be evaluated for its suitability or potential contribution to these facilities. A subdivision/land division or other development should be designed to ensure convenient access to community facilities. Review for parks and other community amenities is generally undertaken by the municipality.

Issues

Official Plans may identify the locations for community facilities through land-use designation (such as parkland or institutional), or they may make provision for the facilities to be permitted in all designations. General policies may identify the nature and scale of parkland and recreational facilities according to population size and density. Secondary plans, where they exist, generally include specific details on school and community use sites and parkland provisions.

Park types may range in size from playlots to community parks, and be designed to accommodate passive or active uses. Where waterbodies exist, a municipality may have Official Plan policies on both public water access requirements (or opportunities) and waterfront land acquisition requirements.

Phasing is an important component in the provision and development of community facilities. Municipalities aim to coordinate the development of subdivisions with the provision of schools, parkland and recreational/community facilities.

A municipality can best identify where new development will occur. It can coordinate efforts with school boards to ensure that appropriate amounts of land in suitable locations are available for schools. Details are often found in the Official Plan or secondary plan. If they are not, a municipality or school board may still request provision for lands for public facilities by adding conditions to the approval of development applications. The actual provision of schools (that is, acquiring land and construction) is the responsibility of school boards, not of municipalities.

Practices and Requirements

The Planning Act includes the following standards for parkland dedication:

- up to 5 per cent of the land area in a residential plan; up to 2 per cent of the land in an industrial or commercial subdivision; or
- up to one hectare of parkland for every 300 dwelling units created; or
- cash in lieu of parkland.

Dedication of parkland is provided for in Section 42 (Development or Redevelopment of Land); and Sections 51 and 53 (Subdivision of Land and Severance of Lots). A recent OMB decision holds that municipalities cannot charge parkland dedication twice for the same development.

Principles of reasonableness and equity should guide a municipality in calculating land values. The valuation should be based on accepted appraisal methods.

Timing of parkland dedication payments is at the discretion of the municipality and is generally a matter of negotiation resulting in reasonable agreement with the developer. The municipality's immediate needs for parkland, and the phasing of the development are considerations in reaching an agreement.

Municipalities have discretion over which lands they choose to accept for parkland, but should take into account both passive and active recreational needs.

Section 51(4) of the Planning Act specifically requires that consideration be given to the adequacy of school sites and that of the land proposed to be conveyed or dedicated for public purposes in a subdivision plan/land division proposal.

Action Steps

- Consult the local municipality about applicable land-use designations and policies in Official Plans and in secondary plans dealing with community facilities.
- Consult the local school board about the capacity of existing facilities and about future needs, including school types (elementary, secondary) and potential sites. Such consultation may help avoid delays in development approvals.

Studies Required

Studies are not usually required.

Cultural Heritage

All land-use development activities have a potential impact on cultural heritage resources. These resources include (but are not limited to) archaeological sites, built heritage, cultural landscapes and traditional-use areas, including cemeteries.

Is a Potential Development Site Affected?

Every municipality contains important cultural heritage resources. Although the Ministry of Culture, Tourism and Recreation (MCTR) maintains databases and information on cultural heritage resources across the province, the amount of material available varies from municipality to municipality. The identification of cultural heritage resources often occurs during the development review process. Once it is determined that cultural heritage resources are present on a development property (or when such potential is identified), a process of evaluation and conservation must be followed.

Issues

The Ontario Heritage Act emphasizes the conservation of cultural heritage resources. The Planning Act and the Environmental Assessment Act also address this issue. In 1990 the Government of Ontario adopted a document entitled the Heritage Policy Statement, which defined the larger role of heritage within society and identified a series of government commitments to heritage conservation. The loss of cultural heritage resources as a result of development activities has resulted in the destruction of irreplaceable links with the past.

Practices and Requirements

The Ontario Heritage Act provides for the conservation, protection and preservation of Ontario's cultural heritage resources. The Act outlines procedures for the designation of heritage buildings, heritage districts and archaeological sites. It outlines the function of the Ontario Heritage Foundation and covers archaeological licensing. In addition, the Act enables local municipalities to establish Local Archaeological Conservation Advisory Committees (LACACs) and review proposals for the demolition or alteration of designated heritage property. The Act also enables MCTR to determine policies and programs for the conservation, protection, preservation and promotion of Ontario's heritage.

Section 2(b) of the Planning Act indicates that the Minister of Municipal Affairs (or delegate), in carrying out his/her responsibility under the Act, will "have regard to" matters of provincial interest, including the protection of features of significant architectural, historical or archaeological interest. MCTR fulfils this

responsibility by reviewing land-use planning activities for possible impacts to cultural heritage resources. LACACs are involved in review activities at the local level.

MCTR reviews Official Plans and amendments to ensure they include policies that address the conservation of cultural heritage resources. The ministry also reviews site-specific development proposals. As well as maintaining databases and information, MCTR also has in-house staff with expertise on the various aspects of Ontario's cultural heritage. These are available to approval authorities and applicants who wish to consult the ministry at all stages of the land-use planning process. Archaeological Assessment Technical Guidelines, which reflect current ministry practice, are expected to be released shortly.

A development proposal is reviewed and evaluated by MCTR staff to determine whether it has a high, medium or low potential to adversely impact cultural heritage resources. Potential is established by determining the likelihood that cultural heritage resources will be present on the subject property. This is accomplished by examining a wide range of geographical and cultural-historical factors that may have influenced past use and settlement in a particular area.

If significant cultural heritage resources are identified within the area of a development proposal, the adverse impact to the resources must be mitigated. Mitigation may include avoidance (retaining the resource), which is the most preferable option; or documentation (excavation and/or recording) prior to the initiation of any land disturbances.

Action Steps

- Consult the local municipality, the LACAC if one exists, and MCTR about:
 - known cultural heritage resources, including cemeteries, and policies regarding the development site;
 - the potential for impacts to cultural heritage resources as a result of the development proposal; and
 - the level of concern in relation to the development proposal.

Studies Required

Studies are not required unless requested by MCTR or the municipality after an application has been submitted and reviewed. If you know that a study will be required, consider submitting it with your application to save time.

When a cultural heritage resource impact assessment is required for a development proposal, it must be conducted by a qualified cultural heritage resource consultant. When it is determined that a development property exhibits potential for the discovery of archaeological remains, an archaeological assessment must be carried out by a licensed archaeological consultant (as set out in the Ontario Heritage Act and described in the Archaeological Assessment Technical Guidelines).

Design

Design incorporates all the elements of a development, including the layout of streets, stormwater management, and the spacing and architecture of buildings. A well-designed development is a pleasure to live in, work in or visit. As well, it should minimize the negative effects that any development, and the people who use it, will have on the environment.

Is a Potential Development Site Affected?

All development must be designed, and it is important to make a conscious effort to create an attractive place that has minimal adverse effects on the environment. Some municipalities have design guidelines for certain areas or properties. The potential development is affected by the guidelines if it is in one of these areas.

Issues

All development should be environmentally sound and should provide an attractive place for people to live in and work in. For these goals to be achieved, good design is essential.

Specific issues that are particularly important today are: the intensification of land uses, the reduction of automobile dependency, the preservation of the desirable characteristics of existing urban areas, and the integration of new development with historical buildings and established neighbourhoods. These goals can be achieved only through good and thoughtful design of the development and the neighbourhood. In general, design issues are reviewed by the municipality.

Design is highly influenced by development standards and requirements for such matters as road widths, separation of utility conduits and parking requirements. The province has two initiatives to assist developers in bringing forward more imaginative, pedestrian-oriented, and efficient design:

1. The Alternative Development Standards study, in which the components of new development within the public right-of-way are examined to promote more innovative and cost-saving design.
2. The Forum on Innovative Community Design, which reviews interministerial barriers and opportunities for the types of development proposed above.

Finally, many conflicts with residents' associations can be resolved by consulting with them early on and incorporating their ideas into the design for the proposed development.

Practices and Requirements

Rules governing design are found in some Official Plans and, implicitly, in all zoning by-laws. Some municipalities have prepared detailed urban design studies that set out the requirements for new developments, both big and small. The design guidelines that result from these studies may be implemented through the full range of planning tools available to the municipality, ranging from Official Plan amendments to site-plan control.

The province has expressed an interest in design through the following documents: Growth and Settlement Policy Guidelines, and Transit Supportive Land Use Planning Guidelines. Alternative Development Standards is scheduled for publication.

Action Steps

- Consult the local municipality about its design regulations. If the municipality is taking initiatives on design issues, prepare to participate in or comply with urban design plan policies.
- If the municipality requires urban design plans for areas or specific sites, consider hiring an urban design consultant to prepare the necessary studies or to demonstrate successful integration of the proposed development within an existing setting.
- Consider hiring design specialists for any large development.

Studies Required

Design studies may be required by the municipality for Official Plan amendments or other planning applications.

Growth and Settlement

The Growth and Settlement Policy Guidelines is a Cabinet-approved document that sets out the government's policies on the management of our land, our resources and our infrastructure — and, therefore, our settlement patterns. The goal of the policies is to foster land-use planning practices and policies that are financially responsible and environmentally sound. The guidelines suggest that, wherever possible, growth be directed to existing built-up areas and away from significant environmental and agricultural lands.

Is a Potential Site Affected?

The Growth and Settlement Policy Guidelines apply to all land-use decisions covered by the Planning Act, including the review of Official Plans and amendments, zoning by-laws and amendments, plans of subdivision and consents. Therefore, all sites are affected by the principles advanced in the Growth and Settlement Policy Guidelines. In general, the emphasis in the application of the policy guidelines is on the Official Plan preparation process. However, certain portions of the policy guidelines apply to the development application phase.

In the absence of an Official Plan, the province relies heavily on these guidelines.

Issues

The guidelines contain policies that address the following issues: settlement areas, development outside settlement areas, areas without municipal organization, infrastructure and servicing, transportation, natural areas and land-use compatibility.

The policies for settlement areas stress a phased approach to development, with an emphasis on utilizing or expanding existing infrastructure. New development should be directed toward opportunities within the existing settlement area or immediately adjacent to it before new lands are developed. The policies encourage a variety of land uses within a settlement area, discourage scattered development in rural areas, and discourage development outside settlement areas.

For prime agricultural lands, the policies state that development not be permitted unless it is in accord with the Food Land Guidelines. For resource lands and land with significant environmental features, development is permitted only if it is directly related to the resource. Outside of the sensitive and resource lands, the need for proposed developments should be justified.

The Growth and Settlement Policy Guidelines also provide direction on dealing with development proposals in areas without municipal organization. Other than specific exceptions, outlined in the guidelines, all new residential, commercial, industrial and institutional development are directed to existing municipalities. The

exceptions allow for development that is directly related to a resource, development appropriate to specific Aboriginal community needs, and limited infill and minor extensions to an existing built-up area.

The efficient use and planning of infrastructure make up an essential component of the growth and settlement policies. The guidelines provide specific direction about preferred methods of servicing development. Also emphasized is the need to plan for and evaluate service capacity.

The guidelines also address the efficient use of transportation systems; the identification of locally, regionally and provincially significant environmental features; and the issue of separating sensitive land uses from uses that may have adverse effects.

Practices and Requirements

The main thrust of the Growth and Settlement Policy Guidelines is to direct development to existing settlement areas. The policies state that exceptions to this direction must meet certain criteria. Information must be presented to justify the exception to the policy.

There are three situations when justification information is required:

- the expansion of a settlement area;
- development outside settlement areas on environmentally sensitive, agricultural or resource lands; and
- development outside settlement areas on other lands.

For designating lands beyond the existing settlement area, section 1.7 of the guidelines outlines the required information and steps. The main areas to be addressed to justify the proposal are:

- the need for the additional land in the settlement area;
- opportunities for intensification to meet the demand for development;
- the location of the proposed development in relation to other uses such as agricultural land; and
- the long-term impact on costs and the environment.

Although the guidelines state that development should not be permitted on environmentally sensitive, agricultural or resource lands outside settlement areas, there are sometimes instances where the development may be acceptable. In these situations, a justification study should be prepared to demonstrate reasons for an exception to the policy. In the case of agricultural land, the application must first

meet the criteria set out in the Food Land Guidelines. If these criteria are met, then the justification process prescribed for all other lands outside settlement areas applies. (See section 3.2 of the guidelines.)

Where an application is proposed for lands that are outside settlement areas and are not environmentally sensitive, agricultural or resource lands, the application may require a justification study that addresses the points outlined in section 3.2 of the guidelines, depending on the number of lots or units proposed.

MOEE's Policy on Planning for Sewage and Water Services complements the Growth and Settlement Policy Guidelines.

Action Steps

- Review the Growth and Settlement Policy Guidelines and related implementation bulletins.
- Consult the local municipality for an interpretation of Official Plan policies in relation to the Growth and Settlement Guidelines.

Studies Required

Justification studies are required for certain development applications. Designation of land for development outside identified settlement areas must be justified. This justification may be prepared for a new or revised Official Plan or for a development application; the decision will depend on the content and status of the local Official Plan. If the Official Plan contains settlement policies with the accompanying justification study, and if the development proposal represents part of the growth/population allocation that has already been justified in the Official Plan, then a justification study will probably not be necessary at the development application phase. Otherwise, it will be necessary.

Housing

It is provincial policy that residential development in a municipality should provide a sufficient supply of housing types to meet the needs of the full range of households in the broader housing market area.

Is a Potential Development Site Affected?

All planning applications must “have regard to” the provincial policy on housing (Land Use Planning for Housing). The policy is meant to be implemented by the municipality through the Official Plan, comprehensive zoning by-laws, and secondary plans/community plans, as well as on a site-by-site basis.

The municipality, in its Official Plan, should indicate the extent of need, how that need will be met, and what implementation and monitoring mechanisms will be used to ensure the need is met.

If a municipality does not have a strategy in place to meet the objectives of the Housing policy statement, then the Housing policy statement will be applied on a site-by-site basis.

If development applications fail to comply with the objectives of the Housing policy statement, the Ministry of Municipal Affairs will require the municipality to demonstrate compliance with the policy statement.

Issues

The five objectives of the policy statement are:

1. Supply of land (section 2.1). For residential uses, municipalities are to maintain, in their planning documents, at least a ten-year supply of designated lands and a three-year supply of draft approved/registered lots.
2. Streamlining the planning process (section 3.1). Municipalities are encouraged to formally implement procedures to reduce the time necessary to process residential applications.
3. Range and mix (section 4.1). Planning policies should encourage:
 - a variety of built forms in addition to standard 40- to 50-foot lot single-detached homes, a variety of unit sizes, and a variety of bedroom counts;
 - a range of housing types according to need.
4. Minimum of 25 per cent affordable housing (section 4.2). Within municipally defined planning areas, municipalities must ensure that a minimum of 25 per cent of new residential units, including units created through intensification

(except accessory apartments), be affordable housing. This is housing that can be rented or purchased by those in the 0 to 60th percentile of incomes in the housing region.

5. Residential intensification (section 5.1). This objective calls for municipalities to better utilize the built environment and existing infrastructure by allowing for intensification — through infill, redevelopment, conversion to residential use, accessory apartments, and rooming, boarding and lodging houses, among other measures — in those areas where three tests are met:

- the site can physically accommodate the proposed use;
- the existing services can support the proposed new households;
- there is demand for the proposed use.

If the municipality has not made the necessary modifications to its planning documents to ensure that the goals of the Housing policy statement are achieved, then each proposed development must show how the goals will be met.

Practices and Requirements

The municipality's housing statement, if properly prepared, should provide information to the developer about the built form and densities required to meet the identified needs of the housing market area.

If there is not an up-to-date or accurate municipal housing statement to direct the development in terms of built form, density, size of units and bedroom count, then the developer will have to investigate the local market conditions in order to determine densities and built form required to produce 25 per cent affordable housing.

The information required by the ministry to determine if a proposal complies with the Housing policy statement is called "product and price" information. The following information is required to assess an individual development application:

- total number of units
- breakdown of units by bedroom count
- breakdown of units by size of units
- price of units
- built form of units
- density

Action Steps

- Consult the local municipality about its strategy on compliance with the Housing policy statement, about Official Plan designation and policies, and about applicable zoning by-laws.
- Consult the Ministry of Housing's (MOH) Housing Development and Building branch for advice and assistance on achieving the policy statement objectives. Staff can provide information on affordable housing price data and may be able to assist with affordable housing applications.
- Consult MOH's Regional Housing Programs office about non-profit housing applications.

Studies Required

If the municipality has not adopted policies to implement the provincial Housing policy statement, then a market analysis may be required to show how the proposed development will meet the policy statement's objectives. If you know that a study will be required, consider providing it with the application to save time.

Note: Some townships and villages with populations below five thousand, and areas under the jurisdiction of Planning Boards may be subject to alternative arrangements.

Public Transportation, Walking and Cycling

New developments in areas where public transit is available, or might reasonably become available, should be designed to make public transit easy to use. Walking and cycling should also be encouraged.

Is a Potential Development Site Affected?

If a development is in an urban area served by public transit and has more than one residential street or has mixed uses, access to public transit (now and in the future) should be considered, as should the needs of pedestrians and cyclists.

Issues

Simple design considerations in new urban areas can make the use of transit, walking and cycling more attractive to the public.

It is a provincial interest, as expressed in the Transit Supportive Land Use Planning Guidelines and referred to in the Growth and Settlement Policy Guidelines, to encourage efficient, well-used public transit.

The Growth and Settlement Policy Guidelines also state that new development should result in compact, mixed-use communities to provide increased opportunities for people to walk or cycle to their destinations.

Practices and Requirements

The technical guidelines for creating developments that are transit supportive, and therefore also pedestrian supportive (since most people who use public transit are also pedestrians at some part of the trip), are found in the Transit Supportive Land Use Planning Guidelines. Section 6 of the Growth and Settlement Policy Guidelines provides the policy direction.

Municipalities are responsible for public transit within the municipality, and the public transit authority may have specific comments on large developments. Inter-regional transit around Metropolitan Toronto, such as GO Transit, is a provincial responsibility.

Action Steps

- Consult the local municipality and the local transit authority to ensure your design is effective and meets local requirements.
- Review the Transit Supportive Land Use Planning Guidelines and section 6 of the Growth and Settlement Policy Guidelines.

Studies Required

Consult the local municipality.

Roads and Access

One of the most important aspects of any land development in the province is access to the existing road system, which consists of local municipal roads, county or regional roads, and the provincial highway system.

To maintain a safe and efficient transportation network, each road authority (local, county/regional, provincial) exercises control of access to its road system.

Is a Potential Development Site Affected?

Almost all developments have some impact on the road system and require access from a public road.

Issues

Generally, developers must deal with three main issues concerning access.

First, does the development, redevelopment or reuse of the site qualify for access to the existing road system? Even if there is an existing access, a change of land use may prevent the continued use of the access.

Second, what right-of-way requirements (new, or widening of existing rights-of-way) are to be dedicated for road/highway purposes? Developers may not be compensated for dedicated rights-of-way.

Third, what improvements, if any, are required to the existing road system to accommodate the proposed development? Is the developer to pay for them?

Noise issues involving roads are dealt with in the information sheet on Air Quality/Odours, Particulates and Noise.

Practices and Requirements

The provincial highway system is administered by the Ministry of Transportation (MTO) under the Public Transportation and Highway Improvement Act. Generally, this Act prohibits, *except under permit from the Minister*, the construction of access to a provincial highway, or the placing of buildings, structures, wells, storage tanks, shrubs/trees, and the like within 45 metres of the highway right-of-way limits or within a 180-metre radius of the centre line of a road intersection with the highway. Signs are controlled within 400 metres (1/4 mile) and large traffic generators (shopping mall, racetrack, stadium, etc.) within 800 metres (1/2 mile). For controlled access highways, the control area at intersections increases to a 395-metre radius.

Within this permit control area, ministry permits are required in addition to any

municipal permit(s). Each application for a permit is evaluated against ministry criteria and *in relation* to the specific circumstances of the proposal and the site. Permits are issued under the sole authority of the Minister of Transportation; the Ontario Municipal Board has no jurisdiction to rule on any MTO permit matters.

Even where there is an existing access to a provincial highway, a new permit is required if the use changes. Access to provincial highways is not given for certain classes of highway and types of uses.

Local municipalities, county/regional governments, or local roads boards often have similar requirements for access to their roads.

Action Steps

- On matters dealing with provincial highways and related permits, consult the district corridor-management officer at the closest MTO local office. Consult the local municipality on all matters related to other roads.
- Determine whether access will be permitted for the proposal, the conditions that apply, the cost and any property requirements.
- If detailed traffic studies or drainage studies are required, it is general practice to hire a qualified consultant. Consultants are usually required to design the intersection and drainage improvements identified in the studies.

Studies Required

The Ministry of Transportation does not generally require studies at the Official Plan amendment stage. For subdivisions, however, the ministry does require traffic studies and drainage studies as conditions of draft approval. These are needed to assess any effects the proposal will have on the provincial highway system. If intersection improvements are required, the developer will usually be required to enter into a legal agreement with MTO to construct the improvements, with the developer responsible for costs. Similar studies are generally required by the municipality.

D. Natural Heritage and Related Issues

This section includes information sheets on: ESAs and ANSIs; Plant and Wildlife Habitats; Topsoil Management; Waterbodies and Fish Habitat; Wetlands; Woodlands.

ESAs and ANSIs

Environmentally Sensitive or Significant Areas (ESAs) and Areas of Natural and Scientific Interest (ANSIs) have significant and important environmental characteristics. It is unlikely that any development on lands falling within an ESA will be allowed. There will be restrictions on lands within an ANSI.

Is a Potential Development Site Affected?

ESAs, which are identified by the local Conservation Authority or the local municipality, are often identified within the Official Plan.

ANSIs are generally identified and defined by the Ministry of Natural Resources (MNR) or the regional government.

Issues

Lands designated as containing ESAs and ANSIs indicate significant environmental attributes. These might be flood plains, river valleys, natural habitats, areas of special ecological or geological significance, or even areas with important views-capes. Increasingly, municipalities, regions and the province are implementing measures to protect ESAs and ANSIs.

Practices and Requirements

Areas designated as ESAs in local and regional Official Plans are generally off-limits to development. Areas identified by MNR as ANSIs must be respected.

Development of lands close to ESAs and ANSIs might face restrictions on grading, landscaping, erosion control, construction practices and construction equipment.

MNR identifies ANSIs in its District Land Use Guidelines. The province, under the Conservation Land Act, offers a municipal property tax rebate program for land owners with ANSIs. The Ministry of Revenue notifies eligible land owners.

Action Steps

- Consult the local municipality.
- Contact the local office of MNR and the local Conservation Authority to determine whether the site is located in, encompasses, or is adjacent to an ESA or ANSI.
- Determine what restrictions may apply to development of a site or portion of a site that may be close to an ESA or ANSI.
- It may be necessary to hire a qualified consultant to undertake a study to confirm the boundary or limit of an ESA or ANSI that affects a particular site. Any impacts that the development has on an ESA/ANSI, direct or indirect, must also be assessed.

Studies Required

Studies are not *required* unless requested after an application has been submitted and reviewed. If you know that a study will be required, consider providing it with the application to save time.

Plant and Wildlife Habitats

Plant and wildlife habitats — sometimes referred to as natural heritage features — contribute to the health and diversity of the natural environment. The existing flora and fauna on a candidate site may have a considerable influence on its development potential.

Is a Potential Development Site Affected?

Any site containing significant natural heritage features may be designated as an environmentally sensitive area (ESA). At the same time, properties not designated as ESAs may be subject to development restrictions where the existing flora and fauna are deemed to be of local importance.

The specific issues surrounding a candidate site must be reviewed with the local municipality, Conservation Authority and Ministry of Natural Resources (MNR) officials in order to determine potential requirements.

Issues

Existing flora and fauna provide a wide range of benefits, from the aesthetic ones that enhance property value through to the recreational and environmental benefits to the broader society. Development over the years has resulted in direct and delayed destruction of many natural heritage features. Massive land clearing, grading and levelling, especially as part of urbanization, have negatively affected many native plant and animal communities.

The desire to maintain and protect natural features has become a dominating principle in planning documents and policies. Recent documents frequently refer to the concept of “ecosystem approaches.”

MNR has a particular interest in maintaining habitat that is critical for certain life stages of animals; that protects provincially rare, threatened and endangered animals and plants; that is used by certain species of special interest (e.g., colonial birds such as herons); or that provides corridors linking larger areas of wildlife habitat.

Practices and Requirements

Jurisdiction over the protection and regulation of flora and fauna rests largely with MNR. Endangered species are regulated and protected under the Endangered Species Act.

Action Steps

- Consult the local municipality.
- Contact the local office of MNR and the local Conservation Authority to determine any specific areas of interest or policy requirements.
- If required, conduct a site inspection with representatives of these agencies to address any potential concerns.
- Before you prepare a development concept for the site, a qualified consultant should undertake a natural area management study, as determined through preconsultation with the appropriate agencies. The study might review:
 - the existence of any wildlife communities, including the location of any rare, threatened or endangered species; and
 - the design, construction and landscaping practices that will be used to maintain and enhance the diversity and connectivity of natural areas.

Studies Required

Studies are not *required* unless requested after an application has been submitted and reviewed. If you know that a study will be required, consider providing it with the application to save time.

Topsoil Management

Topsoil refers to the native organic layer of earth covering lands.

Is a Potential Development Site Affected?

Many municipalities either have passed or are in the process of implementing topsoil removal by-laws. In most instances, the municipal public works department is charged with the responsibility of administering the by-law.

Municipalities are also requiring erosion and siltation control plans as part of site-grading requirements arising from planning approvals.

Issues

The removal of topsoil can have a negative effect on existing vegetation, on stormwater and natural drainage, and on the degree of sedimentation and erosion in receiving waterbodies.

Practices and Requirements

The Topsoil Preservation Act, administered by the Ontario Ministry of Agriculture and Food, gives municipalities the authority to pass by-laws governing the removal of topsoil from lands. By-laws vary from municipality to municipality, but requirements may include:

- a requirement for permits and fees based on a hectare calculation;
- a letter of credit to ensure site management control measures;
- a control plan covering erosion, sedimentation control and rehabilitation of affected lands;
- proof that sedimentation basins and other control measures have been implemented prior to development of the lands; and
- a reporting requirement that ensures control measures are properly maintained during site-grading and construction phases.

When applying for a permit, the developer may be required to submit a plan prepared by a qualified engineer. The plan will likely need to include:

- a site map showing boundaries, watercourses and roads;
- a plan of the final site conditions; and
- a site construction plan showing the location of temporary soil storage and providing an activity schedule.

Compliance with municipal by-laws is the developer's responsibility. Plans may need to be approved by the local Conservation Authority and the Ministry of Natural Resources, in addition to the local municipality.

Action Steps

- Consult the local municipality about regulations governing topsoil management.
- Confirm requirements for permits and inspections and approved sediment control devices.

Studies Required

Studies are not *required* unless requested after an application has been submitted and reviewed. If you know that a study will be required, consider providing it with the application to save time.

Waterbodies and Fish Habitat

Developers considering the purchase of a site must be aware of the constraints that may be placed on them where streams, lakes, creeks, rivers or other waterbodies may be affected, directly or indirectly, by the development proposal.

Is a Potential Development Site Affected?

Virtually any site that encompasses waterbodies or that might affect adjacent waterbodies will be subject to environmental constraints. Areas that are occasionally covered with water may also impose constraints.

Many local Conservation Authorities and municipalities have developed Watershed Management Plans (WMPs). Watershed Management Plans and Subwatershed Plans (SPs) define existing and potential uses for specific segments of the watercourse. These plans identify supporting requirements, such as those dealing with hydrology, biology, ground water and stream morphology components.

If applicants are considering looking at development in a municipality without a WMP or an SP, the Ministry of Natural Resources (MNR) requires that they determine existing and potential water uses and any requirements for the protection of the environment, including fisheries.

Issues

The ecosystem approach to planning recognizes that development not only affects the specific property, but also can have an effect on areas away from the immediate site. The polluting of a stream running adjacent to a construction site can affect plant life nearby and downstream. In turn, fish stocks downstream, as well as adjacent to development, can also be affected. (see Stormwater Management)

Ensuring the protection of existing waterbodies will require the developer to undertake a significant amount of study and specific actions. Funds may need to be spent not only on the existing site but also downstream, to pay for facilities to accommodate the development. Any work that will affect waterbodies is subject to scrutiny at many levels of the approval process.

Practices and Requirements

The Ministry of Environment and Energy (MOEE), MNR and local Conservation Authorities are all involved in setting standards and regulating the protection of waterbodies.

WMPs and SPs govern development in those areas where the plans have been

developed. These plans govern buffer zones, setbacks, and erosion and sediment control, as well as stormwater-related control issues and any other components of the hydrological cycle.

Techniques for erosion and sediment control are found in local guidelines and in the Ontario government report, *Guidelines on Erosion and Sediment Control for Urban Construction Sites*. The emphasis is on control strategies that keep sediments clean and limit off-site transport. Local municipality or Conservation Authority regulations govern the management of sediments.

MNR often recommends that a buffer zone be provided from a waterbody. The land's natural vegetation should be retained during all phases of the development. Setbacks from creeks and streams are usually specified in a WMP or an SP. Works close to waterbodies may also require approvals under the Lakes and Rivers Improvement Act or the Public Lands Act.

Although the Fisheries Act is federal legislation, the federal and provincial governments share the responsibility of managing the fisheries in Ontario through a number of agreements between the Department of Fisheries and Oceans (DFO) and the Ministry of Natural Resources. MNR has agreed to administer and enforce the sections of the Fisheries Act regarding habitat, but only the federal Minister of DFO can authorize the harmful alteration of fish habitat and approve required compensation plans. As a result, while MNR may review proposals for development or construction on or near water, where harmful alteration of fish habitat is suspected, DFO must be notified and become involved in the review and approval of plans.

Action Steps

- Consult the local municipality and local Conservation Authority to identify protected watercourses and to determine applicable land-use policies and regulations.
- Contact the local office of MNR and MOEE to review relevant matters.
- If a watershed or subwatershed plan exists for the area, review it to determine the stormwater management objectives.
- Where a watercourse is identified, either on or near the subject site, a determination must be made about whether the development can proceed without negative impact.

- A qualified consultant should be hired to undertake studies required by the reviewing agencies and to make recommendations about the development and stormwater management concept for the site. The consultant may also be required to assess the existing fish habitat that may be affected by development.
- Contact the federal Department of Fisheries and Oceans if a fisheries compensation plan will be required.

Studies Required

After the province reviews the application, the proponent may be requested to provide appropriate studies. Where development is proposed adjacent to a lake, a water quality assessment (lake capacity study) and/or fisheries impact study, may be required. If you know that a study will be required, consider providing it with the application to save time.



Wetlands

Wetlands refer to lands that are seasonally or permanently covered by shallow water, or lands where the water table is close to the surface. Wetlands include swamps, marshes, bogs and fens.

Is a Potential Development Site Affected?

Almost all of the few remaining wetlands in Southern Ontario are subject to some level of protection. Usually there are, as well, impacts on development adjacent to wetlands. Small wetlands and wetlands having limited significance may not be subject to land-use policies aimed at protecting such lands.

In Southern Ontario, wetland mapping is available at the local office of the Ministry of Natural Resources (MNR) and at some county and region municipal offices. A Wetlands Evaluation System, developed and maintained by MNR, classifies the significance of individual wetlands. Wetlands are classified as being either provincially or locally significant. Locally significant wetlands may be protected through area municipal planning documents.

Most wetlands in Northern Ontario have not been evaluated or mapped by MNR. If a development application might affect a provincially significant wetland, MNR will evaluate the wetland to determine its status.

Issues

The protection of significant wetlands is given primary consideration in the evaluation of any development proposed on or adjacent to those wetlands. Wetlands represent complex ecosystems that maintain and improve water quality, aid in flood control and provide fish and wildlife habitat. They also provide social and economic benefits through activities related to recreation and tourism.

Practices and Requirements

The Wetlands Planning Policy Statement, a statement of provincial interest under section 3 of the Planning Act, is jointly administered by the Ministry of Municipal Affairs (MMA) and MNR. The intent of this policy statement is to ensure that all land-use planning agencies and planning jurisdictions identify and protect provincially significant wetlands. Some municipal and regional planning jurisdictions have land-use planning policies aimed at protecting wetlands that are not provincially significant.

The Ministry of Environment and Energy (MOEE), the Ontario Ministry of Agriculture and Food (OMAF) and Conservation Authorities all apply relevant

legislation, including: the Environmental Assessment Act, the Environmental Protection Act, the Ontario Water Resources Act and the Fill and Construction Regulations under the Conservation Authorities Act. The Drainage Act, administered by OMAF, may also affect wetland protection.

Recognizing that the pressures exerted on wetlands and the number of wetlands vary between Southern Ontario (Great Lakes-St. Lawrence Region) and Northern Ontario (Boreal Region), the policy statement outlines two different approaches. In Southern Ontario, the province's objective is to ensure no loss of wetland function or wetland area in provincially significant wetlands. In Northern Ontario, the objective is to ensure no loss of wetland function in provincially significant wetlands.

For Southern Ontario, the policy statement basically indicates that development shall not be permitted within provincially significant wetlands. Development on adjacent lands (within 120 metres of the wetland, or on lands connecting individual wetland areas within a wetland complex) shall be restricted and may only be permitted based on the results of an environmental impact study (EIS).

In Northern Ontario, an EIS is required from the applicant to demonstrate, to MNR's satisfaction, no loss of wetland function from development within or adjacent to the provincially significant wetland.

Implementation Guidelines for the Wetlands Policy Statement (1992) provide further details on identifying and protecting provincially significant wetlands. The guidelines also provide information on conducting an EIS. Under the Conservation Land Act, the province offers a municipal property tax rebate program for land owners with provincially significant wetlands.

Action Steps

- Consult the local municipality, the local Conservation Authority, and OMAF to identify protected wetlands and to determine applicable land-use policies and regulations.
- Consult the local office of MNR to review wetland mapping (if available), for requirements for protection to be considered in the planning and approval process, and to determine if an EIS is required.

Studies Required

If the Wetlands Policy Statement shows that an EIS is required, it must be prepared according to the implementation guidelines and submitted with the application.

Woodlands

Forests, woodlots and trees can be viewed as both assets and liabilities by a developer analysing a candidate parcel of land. Their presence can enhance the marketability of new residential development. At the same time, these features can limit densities on a specific parcel of land.

Is a Potential Development Site Affected?

Any site containing a stand of trees or a woodlot may be subject to regulation. As well, policies and regulations may apply on a local level to sites with scattered or individual trees.

Issues

Forests, woodlots and individual trees contribute to the environmental well-being of Ontario's citizens. Trees play a major role in offsetting the negative effects of global warming. They convert carbon dioxide from the air, produce oxygen, and filter and condition the air from harmful airborne pollutants and dust. Woodlots help to conserve water and to conserve and regenerate soil, and they act as a natural habitat to plant and to animal life. Development can affect water tables that influence the health of vegetation on neighbouring sites.

Practices and Requirements

Jurisdiction over the protection and regulation of trees and woodlots rests largely with the Ministry of Natural Resources (MNR) and local governments.

The Trees Act provides county or regional municipalities with the authority to pass by-laws and regulations governing the destruction of trees by cutting, burning or other means. This authority has not been used by several counties and regions. Where it is used, it usually does not apply to established forests or commercial woodlots.

The Forestry Act provides for agreements with land owners for the management of forest resources. Under such agreements, woodlots become private forest reserves. MNR may comment on applications for development proposals for sites adjacent to agreement forests.

The Implementation Guidelines for the Oak Ridges Moraine Area may require a woodlot management study or detailed mapping of woodlots on lands proposed for development in this area. The studies will require the expertise of a qualified consultant.

MNR encourages the adoption of forestry considerations into Official Plans at the local and regional levels. MNR also promotes a review mechanism that would require ministry consultation on developments affecting forest resources.

Action Steps

- Consult the local municipality. Review the Official Plan (local and regional) to determine the need for compliance with woodlot management strategy.
- Consult county or regional municipalities to determine whether by-laws exist governing tree-cutting.
- Contact the local office of MNR to determine if the proposed development site is near a Forestry Act agreement woodlot, has been previously administered under the Woodland Improvement Act or is close to a high-quality forest resource.
- Where a woodlot management study is required by the approving agencies, it should be carried out by a qualified consultant before a development concept is prepared for the particular site.

Studies Required

Studies may be required after the application is submitted and reviewed.

E. Non-renewable Resources

This section includes the following information sheets: Mineral Aggregates; Petroleum and Non-Aggregate Mineral Resources.

Mineral Aggregates

Mineral aggregates refer to sand, gravel, shale, limestone, dolostone, sandstone and other mineral materials suitable for construction, industrial, manufacturing and maintenance purposes.

Is a Potential Development Site Affected?

Development on any sites containing aggregate resources, or adjacent to (within 500 metres) existing pit or quarry operations, may be restricted or limited. Proximity of the proposed development site to an aggregate resource suitable for future extraction will also be taken into consideration.

Development may represent an appropriate use for rehabilitated extraction sites, provided it does not restrict existing operations or impede future access to resource areas. The end-use of the property must be determined through the land-use planning process.

Issues

The protection of mineral aggregate resources is required to satisfy future provincial demand for materials used in road and other construction activities. Similarly, mineral resources used in manufacturing and industrial processes must be protected for the future. Through the land-use planning process, existing operations and areas of mineral aggregate resources are to be protected from uses that are incompatible with possible future extraction.

Protection of aggregate resources from incompatible development includes an "area of influence" where the impact of future extraction might be felt. Development within such areas may be restricted because of the effects of noise, vibration, dirt, dust and odours associated with extracting and transporting aggregates. The operation may also affect surface water and ground water in the area.

Practices and Requirements

The provincial policy statement on Mineral Aggregate Resources is jointly administered by the Ministry of Municipal Affairs (MMA) and the Ministry of Natural

Resources (MNR). That policy statement's intent is to ensure that all land-use planning agencies have "due regard" for the availability of aggregates to meet future needs and that all planning jurisdictions identify and protect as much of their mineral aggregate resources as practicable.

Most municipal Official Plans have policies that identify existing operations and aggregate resources and protect them from uses that are incompatible with possible future extraction. Implementation guidelines for the Mineral Aggregate Resources Policy Statement are available.

The Aggregate Resources Act establishes regulations for the extraction of aggregates, the rehabilitation of pits and quarries, and the analysis of environmental impacts. It provides for a planning process for extractive operations. That process includes a number of plans and studies which, in many cases, would meet the requirements of the Planning Act as well.

MNR is responsible for the implementation guidelines governing the licensing and review of gravel pits and quarry operations.

Action Steps

- Consult the local and/or regional municipality to determine protected aggregate resource areas and applicable land-use and development policies for surrounding areas. (See also the Oak Ridges Moraine Implementation Guidelines.)
- Contact the local office of MNR to review aggregate resource inventory mapping. Also, determine whether additional aggregate studies are required because of insufficient information.
- Review the Provincial Policy Statement for Mineral Aggregate Resources and associated implementation guidelines.
- Consult the Ministry of Environment and Energy and the local office of MNR to determine appropriate separation distances from the pit or quarry.

Studies Required

If a proposed development is within 500 metres of an active pit or quarry where blasting or crushing is permitted, a study is required to examine the effect of particulates and noise on the development.

Petroleum and Non-aggregate Mineral Resources

Non-aggregate minerals are *metallic minerals* such as copper, nickel and gold; and *non-metallic minerals* or *non-aggregate industrial minerals* such as asbestos, diamond, gypsum, nepheline syenite, rock salt and talc.

Petroleum resources include oil and gas deposits, brine wells and facilities for the underground storage of natural gas and other hydro-carbons.

Development may be incompatible with existing mines or petroleum resource industries, or it may prevent exploration for, or extraction of, minerals or petroleum resources.

Is a Potential Site Affected?

A potential development site may be affected if it is adjacent to an existing mine or petroleum resource or if the area has potential mineral or petroleum resource reserves.

Existing mine sites and petroleum resource industries are usually designated in the Official Plan and zoning by-law for such uses or some general resource extraction or industrial category. Uses such as residential are not normally permitted close to an operating mine or petroleum resource industry, or on lands with potential mineral or petroleum resource reserves.

Development in areas of potential mineral or petroleum resource reserves could be restricted if it prevented future mineral or petroleum resource development or if the proposed development would interfere with the rights of the owner of the subsurface rights.

Issues

Those involved in planning decisions must carefully review applications for proposals that could prevent future mineral or petroleum resource development or have an adverse effect on existing mines or petroleum resource industries.

Practices and Requirements

The Ministry of Municipal Affairs' Growth and Settlement Policy Guidelines contain policies for protection of resource extraction lands from encroachment by incompatible urban development.

The Ministry of Northern Development and Mines (MNDM) administers the Mining Act and the Ministry of Natural Resources (MNR) administers the Petroleum Resources Act. These Acts are the legislative authority for granting mining land tenure and approvals for advanced mineral and petroleum resources explo-

ration, mine and petroleum resources production, and closure and rehabilitation activities. Through memoranda of understanding with the ministries of Natural Resources, Environment and Energy, and Labour, MNDM acts as “one window” for government approvals related to mine production.

Action Steps

- Consult the local municipality. Review the Official Plan for the area and consult the planning approval body to determine how policies for existing mines and petroleum operations and future development of mineral and petroleum resources may affect the proposal.
- Consult MNDM's local resident geologist to determine if there may be any conflict with mineral resource interests. The MNR Petroleum Resource Centre in London handles all requests for information on petroleum resources.
- Confirm the status of mining and petroleum resource rights in land proposed for development. Confirmation is usually through title search and contact with MNDM's mining recorder.
- Where mining rights are held by the Crown, consult the mining recorder to determine if land is open for staking and mineral exploration and how that status may affect the proposed development.
- Where mining, extraction or gas storage rights are held privately, contact the holder of those rights to determine mutual property interests and how that status might affect any proposed development.

Studies Required

Studies are not *required* unless requested after an application has been submitted and reviewed. If you know that a study will be required, consider providing it with the application to save time. Submit a letter of approval from subsurface rights owners with your application.

F. Public Health and Safety

This section includes the following information sheets: Air Quality/Odours, Particulates and Noise; Contaminated Soils; Flood Plains; Problems Due to Former Uses; Railways; Unstable Lands.

Air Quality/Odours, Particulates and Noise

The potential effects of smells, noise and pollutant emissions from surrounding activities will have a major bearing on the development potential of a parcel of land.

Is a Potential Development Site Affected?

Residential development is not permitted on sites within the “area of influence” of an industry or operation generating emissions that might adversely affect the health of residents. Proximity of residential developments to airports, highways and roads, railways, sewage treatment facilities, industrial operations, waste management facilities and agricultural activities may influence the suitability of a site for development.

Regulations governing separation distances may be eased, but only at the cost to the developer of designing a development to minimize the effects of local air quality and noise problems. If proposed development lands are near any industrial or agricultural uses, air quality studies will probably be required prior to approvals.

Issues

Issues related to health, safety and nuisance factors, as they affect a development, are major concerns of the Ministry of Environment and Energy (MOEE). Ensuring adequate separation between residential development and any harmful emissions, whether related to noise or air quality, is a fundamental requirement.

In many instances, new residential developments have conflicted with agricultural land uses. Odours emanating from livestock operations can prove bothersome to residents in nearby developments.

Practices and Requirements

Under the Environmental Protection Act, MOEE has developed a policy and associated guidelines concerning land-use compatibility. Based on the significance of the effects of a facility on proposed residential developments, the ministry may

request a specific separation distance between the existing facility and the sensitive land use (the proposed land development). In some instances, odours, particulates and noise may be severe enough that no residential, institutional or other “sensitive” development proposals should be considered.

The ministry may require on-site measurements. Site-testing costs will depend on the number and the nature of the pollutants being studied. Where an air quality impact is confirmed by an assessment, the local industry and the development proposal may conflict. In isolated instances, industries have been forced to spend considerable amounts of money to bring their facilities within Environmental Protection Act guidelines. Whenever a sensitive land use (all forms of residential, some institutional) is proposed near an industrial use (or vice-versa), applicants should consult MOEE’s Guideline on Separation Distance Between Industrial Facilities and Sensitive Land Uses.

The Ontario Ministry of Agriculture and Food’s Agricultural Code of Practice provides guidelines regulating encroachment of residential development on existing livestock farms. The regulation provides formulas governing the minimum distance separation (MDS) required between residences being established or expanded close to livestock operations. The MDS formula is often used at the local level to determine acceptability of development proposals.

MOEE publications include Guidelines on Noise and New Residential Developments Adjacent to Freeways, and Environmental Noise Assessment in Land Use Planning. The ministry has also prepared a model municipal noise control by-law for integration into local Official Plans.

The Ministry of Municipal Affairs (MMA) is involved in planning issues involving airports (Land Use Policy Near Airports). Information on noise exposure (NEF/NEP contours) near airports can usually be obtained from the local municipality. MMA also has noise contour maps for lands adjacent to airports.

Action Steps

- Consult the local municipality, the Ministry of Environment and Energy, and the Ontario Ministry of Agriculture and Food to determine any potential conflicts relating to a proposed development.
- Ensure adequate separation distances from livestock operations, using the MDS formula.
- Identify potential conflicts with nearby industrial facilities and transportation corridors.

Studies Required

A noise feasibility study will be required with the application if a development is within 50 metres of a freeway (including a staged freeway) or a main or principal branch railway, unless the local Official Plan sets different standards. A noise attenuation study will be required as a condition of draft approval for a subdivision or condominium within 300 metres of the same uses, unless the local Official Plan sets different standards.

For road noise, the relevant documents are Guidelines on Noise and New Residential Development Adjacent to Freeways (MOEE), and municipal Official Plan policies that may govern this subject.

Where a subdivision or condominium is proposed near an airport, studies will be required as a condition of draft approval of a subdivision or condominium for residential and other noise-sensitive uses (e.g., a hospital, auditorium or passive-use park) if the site is between 28 and 35 NEF/NEP contours. Residential development is not permitted at or above the 35 NEF/NEP contour.

A noise feasibility study is required with the application for commercial uses, including offices, active parks and play areas near airports if the NEF/NEP is greater than 30; and for industrial, warehousing and agriculture near airports if the NEF/NEP contour is greater than 35.

A study may be required for developments close to sewage treatment facilities. The relevant MOEE publication is Guidelines for Compatibility Between Sewage Treatment Facilities and Sensitive Land Uses.

Contaminated Soils

Developers contemplating the purchase of a piece of property must be aware of the soil conditions of the site both at and below the surface. The costs of clean-up associated with old subsurface storage tanks, old septic and leaching beds, and soils contaminated through spills and by illegal dumping of toxic materials can all adversely affect the economic viability of a development project.

Is a Potential Development Site Affected?

Most soil contamination relates to the previous use of a given piece of property. Old fuel storage tanks, forgotten or illegal landfill sites, and older industrial uses can all leave residues in the ground, which must be cleaned up. In determining the state of the existing soils, developers should analyze the records relating to the past usage of the site. If contamination is a possibility or a likelihood based on the this analysis and the proximity to contaminated soils, preliminary soil sampling may be required to verify the acceptability of the existing site for development.

Issues

Several development plans have had to be scrapped as a result of highly contaminated soils being found during excavations. In many instances, developers had already invested large sums of money. Radiation and lead-contaminated soils, underground gas leaks and methane production, and soils contaminated through extensive industrial use have been the subjects of recent headlines.

Contaminated soils can virtually halt a development. Liability for clean-up has been extended to owners, past owners and controllers of land.

Practices and Requirements

The Ministry of Consumer and Commercial Relations administers the Gasoline Handling Act, which dictates procedures for the removal and disposal of underground storage tanks.

The Ministry of Environment and Energy (MOEE), through the Environmental Protection Act, governs most other issues concerning possible contamination. MOEE guidelines state that, until clean-up is completed in an environmentally acceptable manner, development should not take place on sites where ambient background levels or MOEE soil contamination guidelines are exceeded. The costs of studies and remedial action are site-specific, depending not only on the size and variability of the site, but also on the nature, level and extent of the contamination. Future intended uses of the site will also play a determining role.

Where concerns about potential contamination exist, preliminary studies are suggested. These studies would generally include:

- an inventory of the site and land-use history to determine the types of contaminants likely to exist at the site;
- an inventory to determine the likely location of contaminants; and
- an analysis of the various factors that might affect the type and degree of clean-up required.

MOEE has prepared the Guideline on Planning for the Re-use of Potentially Contaminated Soils. This reflects an interim position, and the guideline should be replaced shortly by a revised version. The guideline is to be used in conjunction with MOEE's Guideline for the Decommissioning and Clean-up of Sites in Ontario.

Action Steps

- Consult the local municipality's planning and building department staff to assess the historical use of the candidate lands. Much of this information can be obtained through an analysis of historical documentation relating to the site.
- Where concerns exist, consult MOEE about procedures to be followed should contaminated soils appear.
- Ensure that clean-site provisions are incorporated into any offer to purchase.

Studies Required

Where development is proposed on a former waste disposal site, and in other cases where there is a known potential contamination problem, at least one study and possibly two will be required.

Where it is known that site contamination exists, the first study will be a soils study to assess the extent, if any, of contamination. If there is contamination, a second study will be required to establish a decontamination plan for the site. Usually, the plan must be implemented prior to final approval. If you know that a study will be required, consider providing it with the application to save time.

Where contamination is suspected (e.g., on a former industrial site) a list of the previous uses of the site must accompany the application. Once this has been reviewed, there may be a request for a soils study and a decommissioning study.

Flood Plains

Flood plain refers to lands (usually lowlands) adjoining a watercourse that have been or may be covered by flood water during or after a major storm.

Is a Potential Development Site Affected?

Sites containing or adjacent to permanent or seasonal watercourses often are subject to flooding as a result of a major storm.

Mapping of flood plain limits is generally available through the local municipality and local Conservation Authority. Some areas may not have mapping available, and an independent study might be required to determine the flood plain limits. Where no Conservation Authority exists, the Ministry of Natural Resources (MNR) is responsible for flood plain matters and will provide mapping if available. It is assumed by the regulatory agencies that any waterway with a drainage area in excess of 125 hectares has a flood plain of some magnitude.

Issues

The planning and the management of flood plain land are aimed at ensuring that new buildings and structures are not flood susceptible, that lives are not threatened, and that upstream and downstream problems do not occur as a result of new development.

Flood plain planning policies and regulations govern the construction of all new buildings or structures within a flood plain, as well as additions or alterations to existing buildings, site-grading, and the placing or dumping of fill within the plain. The establishment and location of the top of bank and construction easements can also be an issue.

Practices and Requirements

The Flood Plain Planning Policy Statement, a statement of provincial interest under section 3 of the Planning Act, is administered by MNR and the Ministry of Municipal Affairs (MMA), in cooperation with the Conservation Authorities.

The intent of the Flood Plain Planning Policy Statement is to establish regulatory flood standards and appropriate flood plain management practices for all land-use planning and resource management bodies. Implementation guidelines regarding the Flood Plain Planning Policy Statement are available from MNR and Publications Ontario (see Appendix C).

The Fill, Construction and Alteration to Waterways Regulation is a regulation under the Conservation Authorities Act. Through this regulation, the Conservation Authorities review development proposals from the technical perspective of flood susceptibility and upstream/downstream implications. Decisions concerning work permits may be appealed to the mining and lands commissioner, not to the Ontario Municipal Board.

Municipalities are required to show or describe flood plain lands in their Official Plans and to put in place planning controls necessary to implement flood plain provisions.

From time to time, new flood plain mapping is prepared and existing mapping updated.

Action Steps

- Consult the local municipality, local Conservation Authority or local office of MNR to review flood plain mapping and applicable policies and regulations.
- If mapping is not currently available, it may be necessary to prepare flood plain mapping.

Studies Required

Studies are not *required* unless requested after an application has been submitted and reviewed. If you know that a study will be required, consider providing it with the application to save time.

Problems Due to Former Uses (Landfills, Disused Mines, Etc.)

Land that was once in operation as landfill, a mine or quarry, a gas station, or an oil refinery, among other such uses, cannot be developed for a new use without consideration of how the former use has affected the land.

Is a Potential Development Site Affected?

A potential development site is affected if the property was used in the past for landfill, for a mine, quarry, dump, gas station, refinery or gas or oil well, or for another use that may have contaminated or undermined the stability of the soil or bedrock, may have contaminated the water, or presents a potential danger. If a property is within 500 metres of such a former use, consideration should be given to whether the proposed development site is also affected.

Issues

Where there is concern that a former use of the land has contaminated the soil or water, has undermined soil or bedrock stability, could lead to explosions, or presents other potential dangers, there may have to be remedial work or there may be constraints on the type of development, if any, that will be permitted.

Practices and Requirements

Where the former use was a mine (either abandoned or rehabilitated), the Ministry of Mines and Northern Development must be consulted.

Abandoned pits and quarries are the responsibility of the Ministry of Natural Resources (MNR). MNR also reviews applications for sites with former oil and gas wells to ensure they have been properly capped in accord with provincial regulations.

Landfills and dumps are the responsibility of the Ministry of Environment and Energy (MOEE). The Environmental Protection Act and MOEE Policy 07-07 (Land Use on or Near Landfills and Dumps) are the relevant documents.

Contaminated soil is discussed on a separate information sheet.

Regarding other former uses that might limit development potential on the land or require remediation, contact MOEE.

Action Steps

- Consult the local municipality and long-term area residents to determine if the site may have been used in a way that limits its potential now or will require remediation, or is within 500 metres of such a site.
- If you suspect the site was formerly used for one of the uses listed above or is within 500 metres of such a site, consult the appropriate ministry for possible information about the former use and to determine the type of action or studies that may be required.

Studies Required

After the application has been reviewed, studies may be required that will determine the extent and severity of the problem, will identify the potential impact on health, property and the environment, and will propose appropriate remedial measures.

Applicants wishing to develop within 500 metres of the perimeter of the fill area of a former landfill or dump site will have to prepare a detailed report by a qualified hydrogeologist and/or engineer according to the requirements of Ministry of Environment and Energy Policy 07-07 (Land Use on or Near Landfills and Dumps), for review by that ministry.

MOEE staff will require that the proponent has evaluated the presence and impact of any adverse environmental affects, or risks to health and safety, and that necessary remedial measures are taken when land use proposals are within this distance.

Note: Development on land used for waste disposal purposes within 25 years of the date such operations ceased will require approval in accord with section 46 of the Environmental Protection Act.

Railways

All development proposals (including Official Plan amendments and subdivision and condominium) for sites adjacent to railway lines are subject to restrictions designed to eliminate or reduce the negative effects of railway rolling stock — noise, vibration and safety — on places where people live or congregate.

Is a Potential Development Site Affected?

All development proposals within 300 metres of railway lines are affected. However, proposals for sites already separated from railway lines by existing buildings and structures usually do not need additional protection.

Noise is reduced by such measures as berms, walls and, sometimes, additional insulation or year-round air-conditioning. Vibration may be reduced by such features as outside insulation of basement walls or rubber pads placed between foundations and walls.

Safety is achieved usually by providing a 30-metre setback between buildings (where people live or congregate) and railway lines and by constructing a berm, which together greatly reduce the chances that a derailed railway car would reach such buildings. In expensive locations, such as downtown neighbourhoods, retaining walls may be constructed instead, to prevent derailed rolling stock from reaching buildings.

Issues

It is clear that the railway companies are concerned about the issue of safety as development approaches their existing lines. Such concerns are addressed by incorporating berms and building setbacks into development proposals.

Safety berms are usually not separate features, as berms are often needed to reduce noise. The height of berm depends on the type of a railway line and the type of a proposed use of land.

Practices and Requirements

On plans of subdivision or condominium, the Ministry of Environment and Energy (MOEE) deals with noise and, if requested, will provide advice on vibration. Railway companies advise on safety matters.

On Official Plan amendments, the Ministry of Municipal Affairs (MMA) advises municipalities on policies dealing with noise, vibration and safety. This advice is given in consultation with other affected provincial agencies and the railway companies.

Action Steps

- On Official Plan amendments, consult the local municipalities and/or MMA, and MOEE.
- For other development applications, consult railway companies and municipalities to determine if local Official Plans already contain specific rail-related development policies.

Studies Required

For plans of subdivision, professional studies are required to identify the level of noise, vibration and safety problems and to design attenuation measures. Such studies are reviewed by railway companies. Sometimes these studies are required prior to receiving any planning approval. MOEE reviews noise studies and can advise municipalities on vibration studies. In certain regions, this function has been delegated to regional planning staff.

For development proposals within 50 metres of an active rail line, a feasibility study will be required at the time of application. Developments located within 50 to 300 metres of an active rail line will require noise studies as a condition of draft approval of a subdivision or condominium.

For Official Plan amendments, policies dealing with railway noise, vibration and safety are usually drafted by municipalities and reviewed/approved by MMA in consultation with other ministries/agencies and the railway companies.

Unstable Lands

Naturally unstable lands can restrict or prohibit the use or development of certain areas.

Is a Potential Development Site Affected?

Land that is unstable is susceptible to erosion caused by slope or by type of material, or it has inherent instability, as in the case of Leda clays and Karst topography. Generally, such lands should be identified in Official Plans as unsuitable for development. However, because small pockets may occur, such lands are not always identified.

Issues

As much as possible, development should not occur on unstable lands because of the risk to life and property.

Practices and Requirements

The Ministry of Natural Resources (MNR) reviews applications in areas that may be susceptible to instability. Generally, these areas are not acceptable for development.

Action Steps

- Consult the local municipality to see if the land is identified as an area of instability (often referred to as “hazard lands”) in the Official Plan.
- If you are concerned about land that is not identified as such, contact MNR.

Studies Required

Soil and geotechnical investigations may be required to determine the suitability of the subject lands for development and the mitigative measures that may be required.

G. Regional Issues

This section includes the following information sheets: Aboriginal Land Claims/Self-Government Negotiations; Niagara Escarpment; Oak Ridges Moraine; Parkway Belt West Plan.

Aboriginal Land Claims/Self-Government Negotiations

Aboriginal land claims and self-government negotiations are occurring in several parts of the province. In some cases, these claims may affect development proposals.

Is a Potential Development Site Affected?

Across the province, more than 100 Aboriginal land claims and self-government proposals have been submitted. The status of these claims and negotiations varies. Some involve Ontario, others involve the federal government, and still others involve both jurisdictions. A range of objectives is involved, and the scope and nature of the issues vary. Ontario's approach provides for opportunities for consultation with interest groups on issues that may concern municipalities and other stakeholders. It is possible that development applications on or near lands subject to negotiations may be affected.

Issues

The Government of Ontario attaches a high priority to securing successful outcomes in Aboriginal land claims and self-government negotiations, in accord with the Statement of Political Relationship with Ontario First Nations, signed in August 1991. The underlying principles of this document are based on the historic occupation of lands in the province by First Nations. This document reflects Ontario's commitment to recognize First Nations as distinct nations, to recognize relationships based on Aboriginal rights affirmed in the Constitution, and to recognize that First Nations have an inherent right to self-government. The government is also committed to negotiating land claims settlements with First Nations.

Action Steps

- Consult the local office of the Ministry of Municipal Affairs to obtain information about current or proposed negotiations that could affect your development application. The information provided by ministry staff, along with discussions with the appropriate negotiator and band representatives, will assist you in assessing any possible impacts, or need for further consultation.

Studies Required

Studies are not *required* unless requested after an application has been submitted and reviewed. If you know that a study will be required, consider providing it with the application to save time.

Niagara Escarpment

The Niagara Escarpment Planning and Development Act established a planning process to ensure that development is compatible with the escarpment's natural environment. Subsequent to the passing of this Act, a number of regulations were passed and the Niagara Escarpment Plan was approved.

The Niagara Escarpment is a massive ridge of fossil-rich sedimentary rock that stretches from Tobermory to Niagara Falls. It is also the source of some of Southern Ontario's prime rivers and streams and is one of the province's principal outdoor recreational areas.

Within the plan area, internal boundaries have been established to distinguish areas whose characteristics demand different treatments and levels of protection. Different degrees and types of development are allowed in each of the seven land-use areas. Specific information relating to a subject site is available through three district offices of the Niagara Escarpment Commission.

Virtually all proposals to develop within the Escarpment Plan are subject to development controls. Development control, which replaced municipal by-laws, is instituted to ensure that development is compatible with the natural environment. Applicants will require a development permit for virtually every land-use activity, including:

- construction of housing, cottages and most other buildings;
- change of use of the subject property;
- making additions to existing buildings;
- changes to site-grading;
- construction of roads; and
- demolition of a building.

Development in historical areas may be subject to design guidelines ensuring compatibility with the surrounding buildings. The Niagara Escarpment Commission may require detailed studies to ensure that standards are adhered to for water quality, sediment control, and watershed management. Applications with comments from all relevant agencies, ministries and local municipalities will be assessed by the commission.

Development proposals that are not approved by the Niagara Escarpment Commission may be appealed to a hearing officer, who then makes a recommendation to the Minister of Environment and Energy. The Minister's decision on the matter is final.

Note: A development permit is required prior to obtaining the approval of other relevant agencies, including the local building department.

Action Steps

- Applications for a development permit are made to one of the Niagara Escarpment Commission's district offices. Preconsult with staff planners to identify ways in which a development proposal can be made compatible with the environmental provisions of the Niagara Escarpment Plan.
- Applicants may require the assistance of qualified planners or landscape architects who have experience working with the Niagara Escarpment Plan.

Studies Required

Studies are not *required* unless requested after an application has been submitted and reviewed. If you know that a study will be required, consider providing it with the application to save time.

Map (to come)

Niagara Escarpment Plan Area



Ontario

LAKE
HURON

NOTTAWASAGA
BAY

LAKE
SIMCOE

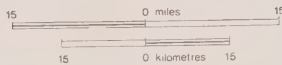
LAKE
ONTARIO

Legend

- Niagara Escarpment Plan Area
- County and Regional Municipality Boundary
- Township and Area Municipality Boundary
- Niagara Escarpment Planning Area

N

SCALE



Feb/93

Oak Ridges Moraine

The Oak Ridges Moraine is a ridge of glacial till, sand and gravel north of Metropolitan Toronto that stretches from Simcoe County to the Trent River. The moraine contains the headwaters of 30 watercourses, and its aquifers provide drinking water for 10 communities.

Is a Potential Development Site Affected?

In June 1991, the Minister of Natural Resources announced the enactment of interim implementation guidelines that outline criteria to evaluate development in the moraine. These guidelines are applicable only to the portion of the moraine that is in the Greater Toronto Area. That portion stretches from the west boundary of the Region of Peel to the east boundary of the Region of Durham.

Issues

The Oak Ridges Moraine guidelines (as approved by Cabinet) present eight principles for determining if a proposed development will be allowed:

- Scattered development is restricted. Development will be allowed outside settlement areas only where municipalities have conducted comprehensive studies to determine the need for such development, the effects on the natural environment, and municipal servicing costs.
- Development must recognize natural systems and processes and be structured accordingly.
- Development must minimize disruption to existing land forms and landscapes.
- No development shall be permitted in significant natural areas.
- Development must proceed in a way that encourages the protection and management of woodlands.
- No development will be allowed that has an unacceptable impact on the natural quality and hydrogeological characteristics of bodies of water.
- No expansion of settlement areas shall be permitted into or onto highly permeable soils until the municipality creates a comprehensive ground-water management strategy; and
- Development will not be allowed if it lessens the recharge capacity of a site or causes an unacceptable reduction in ground-water quality, in levels of storage capacity, or in the contribution to watercourses.

Practices and Requirements

The review of development applications within the moraine will be coordinated through the Ministry of Natural Resources (MNR). The ministry will consult local Conservation Authorities, the Ministry of Municipal Affairs (MMA) and the Ministry of Environment and Energy (MOEE) on matters within their areas of expertise, including servicing, growth and settlement, water quality, flood and erosion control, and alterations to waterways.

The Ministry of Municipal Affairs is responsible for coordinating the review of the Official Plan amendments and land division applications to ensure they comply with the growth and settlement principles and the other evaluation criteria of the Oak Ridges Moraine guidelines.

The province is currently undertaking planning that will result in a long-term strategy for development in the moraine. The study is expected to be completed in 1994.

Action Steps

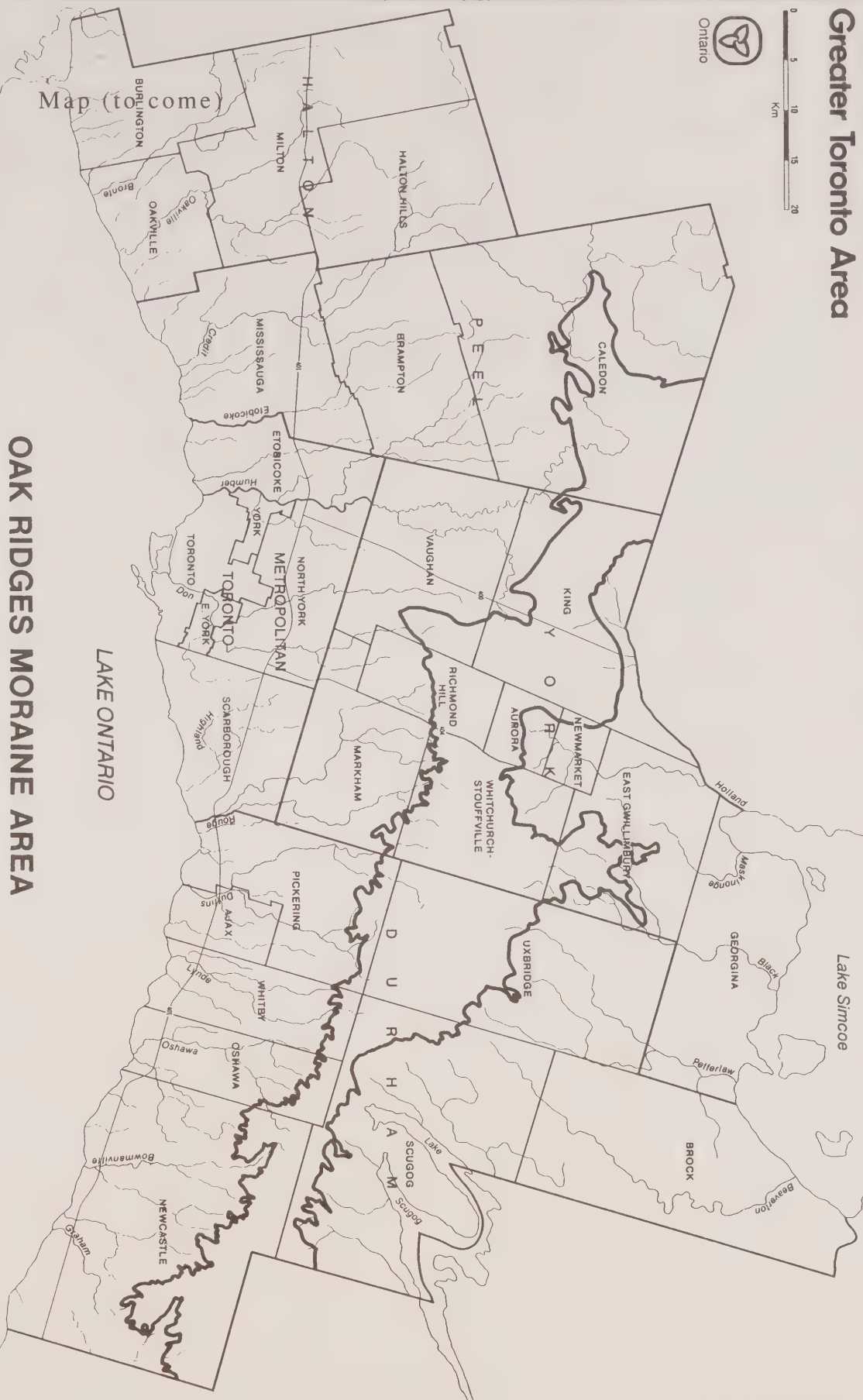
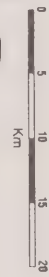
- Before proceeding with development plans for lands within the moraine, consult MNR's Maple district office to determine whether the candidate site can be developed and, if it can, under what guidelines and requirements.
- Review Framework for a Comprehensive Municipality Wide Analysis Pursuant to the Implementation Guidelines for the Oak Ridges Moraine Area of the Greater Toronto Area. This document, which explains the requirements associated with the guidelines' growth and settlement principles, is available from:

Ministry of Natural Resources
GTA District, Maple Trillium Building
P.O. Box 740, 1041 Dufferin Street
Maple, Ontario L6A 1S9
Tel. (416) 832-7190.

Studies Required

Studies are not *required* unless requested after an application has been submitted and reviewed. If you know that a study will be required, consider providing it with the application to save time.

Greater Toronto Area



Parkway Belt West Plan

The Parkway Belt West Plan covers some 50,000 acres of land in a series of linear corridors that run through 19 municipalities from Markham to Dundas. The plan protects a corridor of land for roads, hydro lines, sewers, etc., and preserves areas of regionally significant open space.

Is a Potential Development Site Affected?

A development site in the Parkway Belt West Plan area needs special approval from the province. Certain lands have been identified as reserves for infrastructure and to meet open-space requirements. If other land is proposed for development, an evaluation is necessary to determine whether it is appropriate to consider relief from the controls in the plan.

Proposals for Official Plan amendments or subdivision plans that do not conform to the Parkway Belt West Plan cannot be approved, unless an amendment to the plan is first approved by Cabinet.

Issues

Protection of corridors to provide for highways, utilities, hydro lines, transit and open space remains the primary role of the plan.

Public and private requests for amendments to the plan for lands not specifically required for the primary corridor interests may be made to the Ministry of Municipal Affairs (MMA). Requests will be considered in the context of the plan.

Practices and Requirements

Government policy is found in the Parkway Belt West Plan, approved under the authority of the Ontario Planning and Development Act and the Parkway Belt Planning and Development Act. According to this legislation, the Parkway Belt West Plan takes precedence over regional and local Official Plans approved under the Planning Act.

The Parkway Belt West Plan is supported by two sets of minister's orders or regulations. The first set defines the planning area for the Parkway Belt West Plan. The second set provides minister's zoning orders (land-use orders) to control the use of land in the plan area. Municipalities may adopt local zoning by-laws to replace the zoning orders, provided the by-laws conform to the Parkway Belt West Plan. The legislation provides that no municipality may approve a by-law or undertaking that does not conform to the Parkway Belt West Plan.

The area covered by the plan is divided into two land-use categories: (1) public use area, and (2) complementary use area.

The first category consists of areas designated within the plan as electric power facility, interurban transit, utility, public open space, and buffer and road (e.g., Highway 407). Most of the lands in the public use area have been or will be acquired by the province or other public authorities. The second category consists of areas to be mainly used for private uses that are compatible with the plan.

The legislation provides that individuals may seek amendments to the plan, either to redesignate their lands or to delete them from the plan. Applications are subject to the amendment process outlined under section 8 of the Ontario Planning and Development Act. The process for granting amendments may be cumbersome, since Cabinet approval is required.

Action Steps

- For proposed public facilities or compatible development proposals, consult MMA and the local and regional municipalities about existing Parkway Belt West Plan designations, policies and applications.
- It may be necessary to hire a qualified consultant to undertake studies and/or analyses to determine the impact of a proposed development on the Parkway Belt West Plan.

Parkway Belt West Plan amendments for redesignation or deletion are made to the Minister of Municipal Affairs and must be accompanied by a justification study, which will be reviewed by provincial agencies and municipalities. In addition, municipal and citizen advisory committees, established by the Minister to comment on the merits of the application, will review studies.

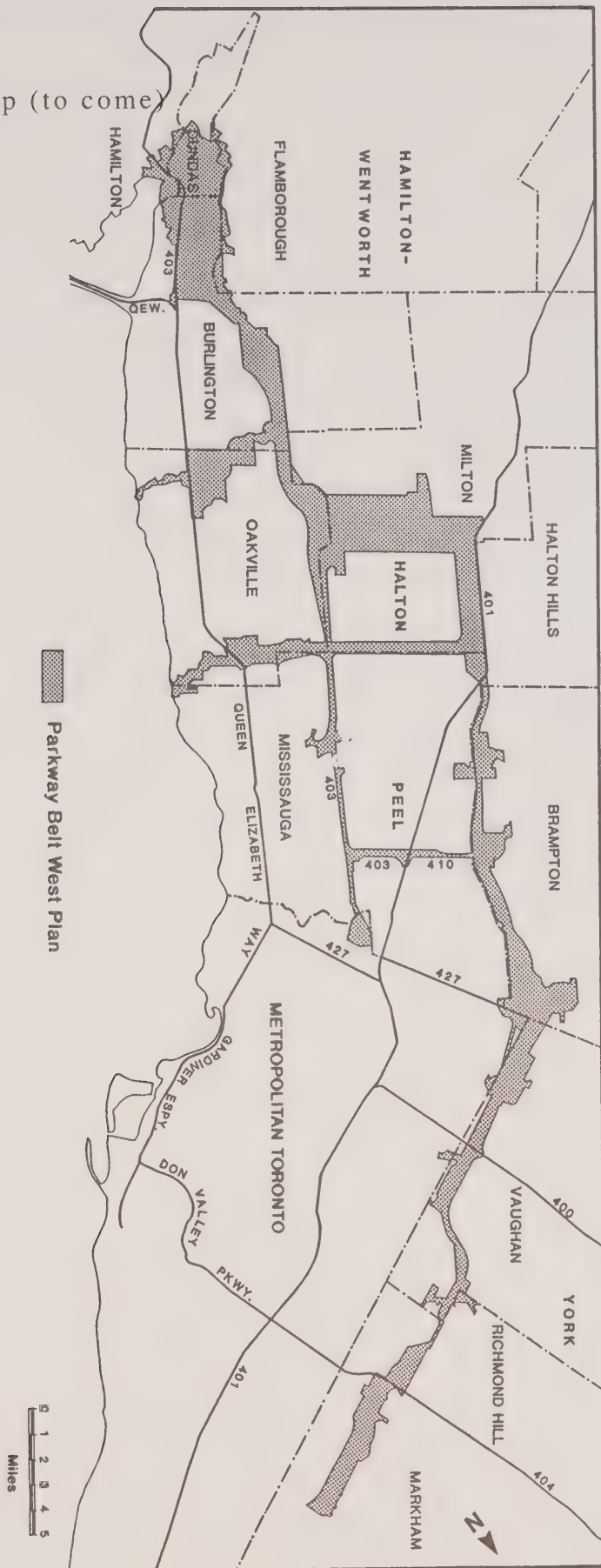
The application, the justification, and the comments of the agencies and committees will be presented to a hearing officer who will conduct a mandatory hearing on the proposed change. Recommendations will be made by that officer and, subsequently, by the Minister of Municipal Affairs to Cabinet. Cabinet will make the final decision.

Studies Required

Studies are not routinely required, except as noted above for amendments to the Parkway Belt West Plan.

Parkway Belt West Plan

Map (to come)



H. Servicing and Related Issues

This section includes the following information sheets: Municipal/Provincial Sewage Systems; On-site Sewage Disposal; Stormwater Management; Water Supply.

Municipal/Provincial Sewage Systems

It is provincial policy to encourage development that is on full municipal services. However, some municipalities with sewage treatment plants do not have, or may not have, sufficient capacity in the system to treat additional sewage from a new development.

Is a Potential Development Site Affected?

A site is affected if the local sewage treatment plant is, or may be, at capacity and unable to handle sewage from additional development.

Issues

New development cannot proceed and will not be approved if the sewage treatment plant is unable to treat the waste from the development. In some areas, the treatment plant is already operating at or beyond its technical capacity. In this case, further approvals are held up until contracts are signed to expand the existing treatment plant or to build a new one. In other areas, many development proposals have already been approved which, if built, would strain the capacity of the local treatment plant. In this case, new proposals will probably encounter delays while options are being considered to maximize the use of the treatment plant and reallocate sewage capacity for unbuilt developments.

It is therefore the policy of the Ministry of Environment and Energy (MOEE) not to approve new developments unless there is, or is certain to be, sufficient capacity at the treatment plant to treat the sewage.

Practices and Requirements

The following documents provide the policy and technical information on sewage capacity:

- MOEE Guideline on Planning for Sewage and Water Services

- Appendix A (Guideline for Calculating and Reporting on Uncommitted Reserve Capacity at Sewage and Water Treatment Plants) of MOEE's Policy on Planning for Sewage and Water Services
- Ministry of Municipal Affairs (MMA) Growth and Settlement Policy Guidelines
- The Environmental Protection Act
- The Ontario Water Resources Act

All applications on full municipal services should include verification from the municipality that capacity has been calculated according to MOEE's Guideline for Calculating and Reporting on Uncommitted Reserve Capacity (Appendix A of Policy on Planning for Sewage and Water Services). The municipality must also verify that capacity has been calculated to the satisfaction of the local MOEE office and that sufficient capacity has been allocated to service the proposal.

In addition, both waterworks and sewage works must be performing within permitted operating standards, as specified in a plant's certificate of approval. Limitations in the capacity or operating performance of the waterworks/sewage works will be recognized as a constraint to the timing of new development and, where planning approval is required, as a constraint to the conversion or intensification of land uses.

Regional municipalities usually have responsibility for sewage treatment plants in their areas and have therefore developed their own approval requirements.

MOEE discourages development on partial servicing (the combination of municipal and private services). To anticipate and plan for needed water and sewage treatment plants, municipalities are encouraged to prepare multi-year sewage and water-servicing plans as one component of their overall planning for growth management objectives.

The proposed development should reflect the municipality's growth and settlement objectives.

A municipality may require the proponent to upgrade the existing municipal system and to connect to that system.

Action Steps

- *Before* submitting a formal development application to MMA (or designate) for approval, consult the municipality or the local MOEE office to verify that capacity exists for both water and sewer services.
- Where there is no servicing capacity for new development, contact the municipal planning or works department to obtain information on future servicing strategies. Inquire also whether the municipality is planning to increase its overall servicing potential through various conservation methods (e.g., a water conservation program), reallocation of existing capacity or improvement of existing hydraulic loading capacity.
- In a regional municipality, contact the region to understand its requirements and to confirm sewage capacity.

Studies Required

No special studies are required by the province other than the municipal or MOEE statement that sufficient sewage treatment capacity exists for the proposed development, and the municipal statement that sufficient capacity has been allocated to service the development.

On-site Sewage Disposal

Any subdivision or severance proposal involving land in areas not on municipal servicing requires an assessment of the land's suitability for on-site subsurface sewage disposal. In addition, the applicant/municipality must justify the use of individual sewage systems as opposed to communal or municipal ones.

Is a Potential Development Site Affected?

Any property not communally serviced must adhere to regulations for on-site sewage disposal. (Note: Developments serviced by a communal sewage disposal system must also comply with pertinent regulations concerning private sewage disposal.) Where lands are not deemed suitable for conventional systems, alternatives may need to be considered. In some cases, development may not be permitted.

Issues

Certain sites, because of soil, topographic or ground-water characteristics, are not suitable for on-site sewage disposal, or are not suitable for the density of development proposed and/or the quantity of sewage.

Improperly installed and operating subsurface sewage disposal systems can lead to the potential for major health risks. Site characteristics for nitrate dilution or attenuation will influence development densities and required lot sizes.

As a result, the placement of on-site sewage services is very important. These services must be located and designed for the natural site conditions.

Practices and Requirements

The evaluation tools for assessing any development application are the Ministry of Environment and Energy's (MOEE) Manual of Policy, Procedures and Guidelines for On-site Sewage Systems, and the policies of the local health unit. MOEE has a number of other requirements that must be met before certificates of approval can be issued under the Ontario Water Resources Act for any "sewage work."

The standards for private sewage disposal systems in Ontario are set down in the Environmental Protection Act, Ontario Regulation 374/81 (Sewage Systems), and policies, procedures and guidelines published by MOEE.

Industrial uses are directed to fully serviced areas because of their potential impact on ground and surface water.

The Act requires that any new development serviced by private sewage disposal, or any alteration to an existing sewage system or building that may impact on an existing system, be undertaken only after a certificate of approval has been issued by MOEE or its delegated authority, usually the health unit.

MOEE is developing a more comprehensive policy for assessing development proposals where subsurface sewage disposal is contemplated.

The local health unit or department is usually delegated responsibility for assessing development applications and for issuing permits.

For further information on MOEE requirements for assessing proposals on individual (private) services, the applicant should refer to the ministry's Policy on Planning for Sewage and Water Services.

Action Steps

- Consult MOEE's policy and guidelines:
 - Policy on Planning for Sewage and Water Services
 - Technical Guideline for Private Wells: Water Supply Assessment
 - Technical Guidelines for Septic Systems: Water Quality Impact Risk Assessment
- Consult the local health unit or department and MOEE to determine specific requirements relating to the candidate site.
- Development proposals will require an assessment, by a qualified consultant, of:
 - soil characteristics and depth of soil,
 - prevalence of rock,
 - maximum evaluation of ground-water table,
 - surfacing drainage and flooding potential,
 - nitrate loading,
 - quality of well water,
 - proximity to a watercourse, and
 - hydraulic gradient (of ground water) and potential for effluent plumes to intercept a watercourse (upwelling).
- A suitable sewage disposal area is to be determined in order to properly design the size and shape of proposed lots. The minimum area required can be determined by calculating the areas required for:

- the building area, including house, garage, outbuildings, pool, terraces and patios, driveway entrance and building setback;
- the leaching bed, including the tile bed, reserve area, tapers and mantle for raised beds and setbacks; and
- the well protection area, where applicable.

Studies Required

MOEE will not recommend approval for multi-unit or multi-lot development (five or more lots) on individual sewage services until:

- Servicing options, including the potential for servicing the development on full municipal and communal sewage and water services, have been investigated and reported on in a servicing options report.
- In the case of a proposed multi-lot development where lots average less than one hectare, an impact assessment has been completed, in accord with ministry guidelines. This assessment must demonstrate that the impacts on ground and surface water will be within acceptable limits. The study shall include an analysis of the on-site soil and local area hydrogeology.

Servicing Options Report:

If the municipality has not already prepared a study on servicing options, then an applicant proposing multi-lot/multi-unit development with on-site sewage disposal must prepare a servicing options report. (See Appendix C of MOEE's Policy on Planning for Sewage and Water Services.) This report must investigate the potential for servicing the development on full municipal and communal sewage and water services. The servicing options report must be prepared and/or endorsed by the municipality, and it should address the following matters:

- the consistency of the proposed development application and servicing options with the municipality's long-term servicing plan and growth management objectives;
- the proximity of existing or committed piped water and sewers, and the ultimate potential for future connection of the proposed development to full municipal services within the context of the municipality's multi-year servicing plan and growth management objectives;
- the basis upon which it was determined that individual on-site sewage services were more appropriate for the proposed development than full municipal and communal servicing; and

- the contingency plan for servicing the residents of the development in the event that individual on-site services fail.

Impact Assessment (Hydrogeological Study):

The hydrogeological study (see technical guidelines) is required to:

- include assurances that present and future residents of the area will be provided with water for domestic consumption that is of acceptable quality and in adequate quantities over the long term;
- ensure that well construction techniques minimize the possibility of well and lake water quality degradation; and
- ensure that there will be minimal adverse effect on well water in the development from sources of contamination on-site or on adjoining lands.
- demonstrate that the area is not obviously hydrogeologically sensitive (e.g., Karstic areas, areas of fractured bedrock exposed at surface, areas of thin soil cover, or areas of highly permeable soils), and determine the hydraulic capability of the soil to disperse effluent from a leaching bed on a continuous basis.

Stormwater Management

Stormwater management planning is an essential component of any development proposal.

Is a Potential Development Site Affected?

All development sites will be subject to a review of stormwater management procedures. Municipalities and Conservation Authorities are beginning to implement subwatershed plans (SPs). These plans address requirements for stormwater quality and quantity at the subwatershed scale. Where an SP exists, local authorities will be able to identify site-specific requirements.

Issues

Stormwater management affects water quality and water quantity, fisheries and environmental management.

Stormwater management is required to reduce the amount of stormwater run-off, silt, sediment and other contaminants finding their way into local watercourses. Stormwaters can also carry suspended solids and bacteria — in some areas, to a level that exceeds bacteria guidelines for swimming and bathwater. Stormwater can also adversely affect fish habitat, and groundwater aquifers.

Post-development stormwater flows need to be comparable to predevelopment water flows in order to control downstream flooding, erosion levels and contaminant levels.

Certain uses, such as chemical manufacturing/storage, may be restricted in aquifer recharge areas.

Practices and Requirements

The two acknowledged guidelines for management techniques are the Interim Stormwater Quality Control Guidelines for New Development, and the Stormwater Quality Best Management Practices. (Both guidelines are issued by the Ministry of Environment and Energy and the Ministry of Natural Resources.)

Many municipalities have stormwater management policies that must be addressed by development proposals.

MOEE, MNR and local Conservation Authorities promote source control as the first strategy, along with reducing the amount of impervious ground area, to reduce the discharge of stormwater to sewers. Stormwater quantity and quality ponds should be considered a last line of defence, applied only after all opportunities for

infiltration of stormwater have been exhausted. These controls would be applied in the following order:

- at source (on-site) infiltration techniques (where appropriate),
- grading that uses natural types of surface drainage routes to maximize infiltration,
- structurally controlled infiltration techniques,
- wet ponds.

The Ontario Water Resources Act governs water quality. MOEE approval is required for all storm/sanitary sewers and outfalls, as well as for any permanent stormwater management facilities (e.g., detention and retention ponds). Outfalls and ponds will also likely require permits from the local office of MNR and the Conservation Authority. Responsibility for these facilities may be assumed by the local municipality, which would have its own requirements.

Action Steps

- Consult the local municipality, the local Conservation Authority and MNR to determine specific requirements for the candidate site, and any studies needed.
- Consult the local Conservation Authority to determine if an SP is available or in preparation.
- Consult MOEE and MNR to determine specific water quality standards relating to the candidate site.
- Consider hiring a qualified engineer to determine suitable approaches and the costs that might be incurred as part of the development.

Studies Required

Prior to registration of a plan of subdivision, a detailed stormwater management engineering plan will be required for approval by all appropriate water management agencies. It may also be required for other development applications.

Studies may be required for an Official Plan amendment. (Refer to the information sheet for Waterbodies and Fish Habitat.)

Water Supply

In areas not currently able to be serviced by municipal water, or in areas suffering municipal supply constraints, requirements may be placed on development proposals concerning water supply, and in some cases development will not be approved.

Is a Potential Development Site Affected?

Ontario is witnessing increasing water shortages, related both to municipal capacity and to ground-water aquifer capacity. Restrictions placed on development applications relating to water supply and/or consumption will vary from community to community. Requirements, generally imposed at the municipal level, may involve limitations on density and/or limitations on water consumption in developed areas.

The local planning staff and/or municipal works department should be able to clarify requirements for the candidate site. Restrictions are more predominant in areas not currently serviced by the Great Lakes Basin water supply.

Issues

Water supply in many Ontario communities has become a serious issue. Demand for potable water has increased sevenfold in the past 90 years, with 75 per cent of that increase occurring in the last two decades. The costs of treatment and dwindling sources have led many municipalities to implement regulations on supply and consumption. In many areas, the rate of pumping water from subterranean aquifers is outpacing the rate of recharge from rain infiltration, resulting in shortages at certain times of the year.

In some areas, this trend has resulted in restrictions to development, decreases in allowable densities, and requirements for compliance with water-conserving regulations. Experience has shown that residential water use can be cut by 30 to 50 per cent, with no effect on lifestyle. Although some of these savings result from changes in habit, the majority result from changes to water-using equipment.

Where the water supply will be ground water, the applicant must satisfy the Ministry of Environment and Energy (MOEE) and/or the municipality that the water-taking will not create, or be likely to create, problems with water quality or quantity for either the new development or other ground-water users.

The impact of septic tanks or other on-site sewage disposal on ground water quantity and quality, for existing and proposed users, must also be evaluated. The necessary studies will require the services of a qualified hydrogeologist.

Water-supply solutions may have a significant impact on environmental features (e.g., fisheries). Any investigations undertaken to respond to water-supply issues should examine the effects on natural or environmental features.

Practices and Requirements

By-laws relating to water supply and consumption are adopted at the municipal level.

Several municipalities are considering the adoption of minimum standards for water-using appliances.

The following guidelines have been prepared by MOEE to assess development on private water: Guideline on Planning for Sewage and Water Services, Technical Guideline for Water Supply Assessment for Subdivision Developments on Individual Private Wells, and Technical Guidelines for Individual On-site Systems: Water Quality Impact Risk Assessment.

MOEE will not recommend approval of a multi-unit or multi-lot development on private wells until:

- Servicing options, including the potential for municipal water, have been investigated and reported on in a servicing options report. (See MOEE's Policy on Planning for Sewage and Water Services.)
- If the lots average less than one hectare, an impact assessment has been completed in accord with MOEE's Technical Guideline for Private Wells: Water Supply Assessment.

If a communal water supply is provided, the municipality must indicate its willingness to own the system, or to become responsible for its long-term viability. MOEE's Policy on Planning for Sewage and Water Services (Appendix B) applies.

Where municipal water is to be used, the municipality must have sufficient capacity. To calculate the capacity, refer to MOEE's Policy on Planning for Sewage and Water Services (Appendix A).

Industrial uses are directed to fully serviced areas because of their potential impact on ground and surface water.

Lake water supplies are generally examined in much the same manner as private wells.

Action Steps

For Private Wells:

- Consult the local municipality to determine specific requirements relating to water supply and consumption.
- Review MOEE's well records, and obtain water samples from nearby wells to determine water quality.
- Consult MOEE about requirements for certificates of approval issued under the Ontario Water Resources Act for any "water works."
- Consult the local health unit and MOEE regarding water quality, as required. (Note: Individual private wells are not governed by the Ontario Water Resources Act; local health units can provide information about water quality and water-sample testing.)

For Municipal Water:

- Consult the municipality to determine specific requirements relating to supply and consumption. Where there is no servicing capacity for development, contact the municipal planning or works department to obtain information on future servicing strategies that could provide the subject development with water.

For Communal Systems:

- If you assume the proposed communal system will require more than 50,000 litres per day, explore the requirements for a permit to take water. Other requirements for certificates of approval, issued under the Ontario Water Resources Act, should be explored with staff of the local MOEE office.

For Any System:

- Consult the Ministry of Natural Resources (MNR) about the Provincial Water Efficiency Program.

Studies Required

For Private Wells:

Where development is proposed without municipal water, for five or more lots that average less than one hectare, a detailed study of the water supply is required at the time of application for either an Official Plan amendment or a plan of subdivision.

In special cases and specifically where there are known problems with water supply, water contamination or cumulative impacts, a study may be requested regardless of the type of development proposed. If you know a study will be required, consider submitting it with the application to save time.

A number of municipalities now require the installation or testing of water-supply wells before giving final approval of subdivision plans or consent applications, or before issuing permits for the installation of individual sewage treatment systems in areas not served by municipal facilities.

E Public Consultation

E

Steps to Effective Public Consultation

Start early.

Make public consultation a part of the development process from the outset. Do not leave it as an afterthought. Public consultation should begin when plans are flexible and open to change — when there is adequate time for genuine dialogue. As well, participants in the public consultations will need time to study the plans and prepare a thorough response.

Identify affected/ concerned individuals and groups.

In order to address the concerns of the local public, first identify individuals and groups who might be affected by your plans. Next, establish a mechanism for meeting with them early in the process.

The number of individuals or groups affected will vary, depending on the scope of the project. For small-scale, straightforward applications, only surrounding neighbours may be affected. For larger projects, factors such as land values, traffic patterns and school enrolments will affect a broader community. The municipal approval authority should be able to comment on who may be affected. As well, the municipal clerk will be able to provide contact names for appropriate ratepayer groups.

Provide factual information.

The next step is to provide information about the project. The manner of presenting plans to the public could vary from a simple fact sheet with a line drawing to a full-scale model of the proposed development. The size of the project and the number of people involved will help to determine how best to package the information. The choice of presentation materials will also be affected by whether the information will be presented at a large public meeting or in a neighbour's living room.

Whatever materials are used, they should describe the project in everyday, non-technical terms, demonstrating that you have anticipated its impact on the community.

Identify the basis of concerns and objections.

In addition to providing information, consultation with individuals or community groups should also serve to identify concerns. It may be a natural response to rush to the defence of a project on which you and your team have spent months of preparation. But it is more important at this stage that you “actively listen” to the community in order to identify and record community concerns correctly.

This phase of the public consultation could be accomplished in a number of ways, depending on the size of the project and the nature of the community. Individual visits to neighbouring property owners, meetings with the executive of local ratepayer groups, informal "living room" meetings in the neighbourhood or a public information meeting are some ways of gathering information on community concerns.

During this phase, help individuals to articulate their specific concerns about the project, acknowledge their concerns and ask for their recommendations. Again, your role at this stage should be one of the "active listener" rather than negotiator. Your intent is to involve the community in solving the problems they have identified, not to defend your original plan.

**Respond to
community concerns.**

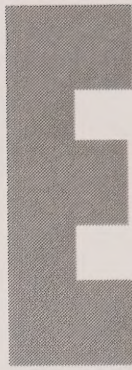
Reporting back to the community is an essential step in the consultation process. By reporting back you will be able to (1) demonstrate that you have heard the community's concerns, and (2) identify the changes you have made that satisfy the concerns.

It is important to report back even on those items where changes were not made. Giving reasons for accepting or rejecting community input shows respect for the consultation process, acknowledges the community's contribution and maintains open lines of communication with the community.

Examples of Public Consultation

Public consultation activities can range from simply visiting adjacent property owners, to developing plans with a neighbourhood committee over a period of several months. The examples below illustrate several successful approaches that have been used in different situations. When working out your program for public consultation, tailor it to suit the size of your business and the size and type of development being proposed.

1. On a small project in Eastern Ontario, the principal of the development firm personally visited all the property owners bordering the site of the proposed development to explain his plans and to address concerns. When it came time for official approval, the development application met with no objections.

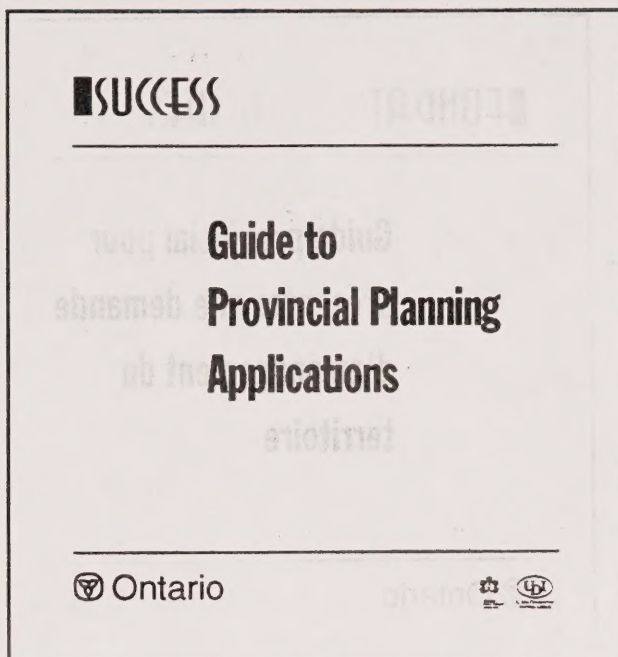
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2. In an area of extensive new residential development, a residents' association was formed in the first portion of the area built. The owner of several adjoining development sites worked closely with the association to develop plans for the balance of the area.
 3. An urban infill project with 200+ apartment units was designed through an extensive public consultation process that involved four significant revisions to the plan.
 4. Although not strictly public consultation, showing consideration for special features on the site can work wonders for the corporate image and also help to smooth the way for approvals. One Ontario proponent was surprised to find archaeological evidence of an early settlement when his crew began site preparation. The developer arranged an archaeological "dig" at the site before any requirements were imposed from outside. The community was advised and became involved in the dig. In this way, the archaeological requirements were met, the company was seen as "doing the right thing" and the development could still be completed on schedule.

Human nature is unpredictable at best, and even the most thorough public consultation program is no guarantee of automatic approval. Citizens may still present their views to the local municipality, the region, the Province or the Ontario Municipal Board. However, development professionals who have used public consultation are convinced that overall benefits of smoother approvals and improved corporate image make the effort entirely worthwhile.

The Ministry of Municipal Affairs is preparing a paper on public consultation entitled Connecting with the Public. Check the Publications Ontario (see Appendix C) for availability.

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


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